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Assembly California Legislature

ASSEMBLY COMMITTEE ON ARTS, ENTERTAINMENT, SPORTS, TOURISM AND INTERNET MEDIA

BETTY KARNETTE, CHAIR

MEMBERS

Sharon Runner, Vice Chair
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Mike Davis
Kevin de León
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George Plescia
Audra Strickland
Sandré Swanson



Informational Hearing

*The Assembly Committee on Arts, Entertainment, Sports,
Tourism & Internet Media*

The California Interscholastic Federation (CIF)

**10 a.m., Room 437
State Capitol, Sacramento, California**

I. CIF Overview: History, Governance Structure, Rule-Making and Due Process Procedures

California Interscholastic Federation

California Association for Health, Physical Education, Recreation and Dance

California School Boards Association

II. State Oversight of the CIF

California Department of Education (CDE)

California Interscholastic Federation

III. Ongoing Issues and Challenges for the CIF

Due Process from the Parent/Student Perspective

Title IX Implementation and Information

CIF Communication: State, Legislature and Public



TABLE OF CONTENTS

i. Agenda

I. CIF History

II. CIF Legislative History:

SB 19 (Campbell) Ch. 1001, Stats. 1981

III. CIF Recent Legislation:

SB 37 (Speier) Ch. 673, Stats. 2005

SB 562 (Torlakson) Ch. 301, Stats. 2005

AB 2315 (Strickland) Leg. 2006

SB 1411 (Ortiz) Leg. 2006

IV. CIF Report to the Legislature, 2005

V. CIF in the News (Pending approval)

VI. CPEC: Title IX Athletics Compliance at California's Public High Schools, Community Colleges, and Universities

CIF HISTORY

HISTORICAL SKETCH

California Interscholastic Federation

The California Interscholastic Federation was organized at a high school athletic convention held at the Y.M.C.A. Field House, Los Angeles, on March 28, 1914.

The convention followed a number of conferences in which there had been agreement that high school athletic contests, to be of value to the schools and the participants, should be organized under the control of the responsible heads of the schools.

The primary responsibilities of CIF are to administer high school athletic programs and to promulgate and enforce rules relating to a student's involvement in athletics - age, semesters in school, scholarship, residence, transfer status, and amateur standing. Such regulations, which are generated by the 1,400 member base of secondary schools, prevent undesirable exploitation of high school students, provide for the welfare of participants, and ensure that interscholastic athletics offer major benefits to students in a safe, rewarding environment.

For purposes of administration, California is divided into the following 10 sections: Southern Section, Central Section, Los Angeles City Section, North Coast Section, Sac-Joaquin Section, Northern Section, Oakland City Section, San Francisco Section, San Diego Section and Central Coast Section.

The State Federated Council has complete control of all State championships in high school athletics and may specify all details as to methods and places for conducting the contests.

The CIF is one of the 50 state associations that belong to the National Federation of State High School Associations and actively participates in the national organization. Generally, rules recommended by the national body are adopted by CIF.

HISTORY OF THE CALIFORNIA
INTERSCHOLASTIC FEDERATION
SOUTHERN SECTION
(CIFSS)



This will be the first short list of “historical tidbits” which will help the membership better understand the colorful history of the CIF Southern Section. This information is gleaned from the early minutes, a master’s dissertation written by Maurice Sandy, notes from S.F. Van Patten and interviews with prominent members of the Southern Section.

Enjoy,
John S. Dahlem, Ph.D.
1st historical “tidbit.”

- The first organized interscholastic sports in Southern California started around the mid 1890’s with no formalized organization or rules. The first leagues were created to play football and baseball. These first leagues were:
 - Citrus Belt....Chaffey High School, Redlands High School, Riverside High School, San Bernardino High School
 - Channel League...Oxnard High School, Santa Barbara High School, Santa Paula High School, Ventura High School
 - Los Angeles League...Los Angeles High School, Los Angeles Poly High School, Long Beach High School, Santa Monica High School, Pasadena High School
 - Orange County League...Anaheim High School, Fullerton High School, Santa Ana High School
- High School Administrators took “no” part in these contests and anyone could play. Some of the players did not even attend the school and it was said that, “Town bums were at times the coaches.”
- Track and Field was the first sponsored event run by the High School Athletic Association of Southern California in 1904.



- The 1906 Track and Field Championships, held in Ventura, was rained out because the racehorse track, where the meet was to be held, (Ventura Fair Grounds) was flooded.
- The Academic Athletic Union tried to organize high school sports in the early 1900's, but was unsuccessful.
- Track was the sport that got CIFSS started as complaints against the local YMCA and the colleges, who ran the annual meet, increased.
- May 15, 1913 is often given as the founding date of the CIF Southern Section although it is tough to document because notes were not taken at the first meetings. The State CIF was founded a year later on June 1, 1914.
- The first rules were fairly simple:
 - a boy (no girls mentioned) must pass at least 15 hours of work per week
 - participation in contests above the secondary school level was forbidden
 - only four years of competition were permitted...no post-graduate competition
 - a boy could not be over 21 years of age and be eligible

The first official sports in the CIFSS were track and field, football, baseball, basketball, aquatics, and tennis. Only one team represented each school in a sport. "Scrub teams" were created to give smaller boys a chance to play. The first attempt at size classifying of athletes started in the 1920's. There was the unlimited class, the 130 pound class, 110 pound class and 90 pound class.

.....smile about this:

During the World War I years, when the Track and Field Championships were held, the hand grenade throw was substituted for the javelin throw. This was eliminated in 1920.



HISTORY OF THE CALIFORNIA
INTERSCHOLASTIC FEDERATION
SOUTHERN SECTION
(CIFSS)

44th historical “tidbit.”
Dr. John S. Dahlem

“Tramps”



WOW! I DID NOT KNOW THAT
Interesting tidbits on the CIFSS

- When the CIFSS was created in 1913, there were 5 leagues and 30 schools. There are currently 569 schools and 82 leagues.
- The first name of the CIFSS was the Southern California Interscholastic Athletic Council (SCIAC). The name was changed on September 26, 1914 to “The Southern Section of the C.I.F.”
- The CIFSS referred to illegal transfers as “tramps” in 1914.
- Some of the early coaches were referred to as the “town bums.”
- Boys who moved from school to school in the 1920’s to play athletics were referred to as “free agents.”
- Prior to the creation of the CIFSS, adult coaches used to play on the high school teams.
- During the early days of track and field, if you false started you were put back one yard behind the starting line.
- The “hand grenade throw” was substituted for the javelin throw during the 1919 CIFSS track meet...won by Tyson of Huntington Park with 11 “puts”...throwing for accuracy and it was an exhibit event with rules and grenades provided by the Spalding Company.
- The first maximum age limit to participate in CIFSS was 21 years old.
- The first four State CIF Sections were the same as the California Teachers Association Sections.
- The biggest controversy in 1913 was the definition of what is an “amateur.”
- Track and field was the sport that got CIFSS started.
- To run in the 1913 track meet the entry fee was 25 cents per athlete



- The CIFSS threw Long Beach Poly out of the CIFSS for a short time (1920) because Poly wanted to play for the Southwest Championship and the National Football Championship instead of the CIFSS Championship.
- Long Beach Poly defeated Phoenix High School by a score of 102 to 0 for the Southwest Championship in 1920...it became known as "*The Big 102.*"
- The official attendance for the 1956 CIF Football Championship in the Memorial Coliseum was 41,383 although many felt there were over 60,000 in attendance.
- Horse shoes had CIFSS rules in 1932.
- The football throw was substituted for the javelin throw in the CIF State meets from 1932 to 1936.
- John Raitt, father of the famous country singer Bonnie Riatt, held the state record in the football throw of 220 feet (almost 70 yards).



- The first Constitution of the CIFSS was two pages long.
- The CIFSS sanctioned an interscholastic ski meet for March, 1940 on the slopes of McGee Mountain, 35 miles north of Bishop. It was held during a storm that added, according to the local press, a little "*tang*" to the event.
- If you were in a high school fraternity in 1927 you could not participate in CIFSS sports.
- School CIFSS dues were \$2.50 for less than 100 ADA running up to \$20.00 for schools over 2,000 ADA in 1933.
- The first CIFSS office was in a Junior High School building.
- For a short period of time (1949), the CIFSS office was located in the Commissioner's home.
- From 1949 to 1959 the CIFSS office was located in the Helms Bakery.



- The first CIFSS Basketball Championship game in 1915 was played inside a gym the first half on an outdoor court the second half.
- One of the stars of the first CIF Basketball Championship in 1915 was referred to in the local papers as a "*fat boy*" named Dalin.
- It took wrestling a long ten years after their first unofficial CIFSS Championship to be sanctioned because they came under the control of the State Athletic Commission just like boxing.
- In 1935, schools were holding polo and fencing competition.
- Bowling attempted to become an official CIFSS sport in 1935.
- The CIFSS was urged to add handball to its sponsored activities in 1937.
- Six man football was popular in small schools during the late 1930's.
- The first "Blue Book" was issued in 1945...it was 44 pages in length.
- The Los Angeles City CIF Section broke off from the CIFSS in 1935 as the 5th State CIF Section.
- The San Diego CIF Section broke off from the CIFSS in 1960 taking 32 schools as they created the 9th State CIF Section.
- The largest school in the CIFSS in 1937 was Phoenix High School of Arizona.
- The 1937 CIFSS budget was \$4,500 and the Commissioner was paid \$2,400.
- During World War II CIFSS meetings were often held by phone conference to save gasoline.
- Many games were cancelled during World War II due to the lack of rubber balls...rubber was needed for the war effort.
- In 1922, a Four Point Classification System (Exponents) was established based on semester in school, age, height and weight...there were four classes...A,B,C, and D the lowest.
- In 1935 they changed to a Three Point Classification by getting rid of the semester base.
- Japanese students interned in camps during World War II were initially ruled ineligible because of attendance rules.



- The “**Instituto Tecnio Industrial**” of Tijuana, Mexico was a member of the CIFSS in 1940.
- Trona High School is the only school in the United States that has a sand football field...they call it “**The Pit.**”
- The Sherman Indian Institute (Sherman High School) played USC in rugby during the 1890’s and won.
- In 1925, the famous “Flying Finn” and Olympic hero Paavo Nurmi, ran against Indians from the Sherman Indian Institute in the Memorial Coliseum.



- Speedball during the 1940’s was an unofficial CIFSS sport.
- Jackie Robinson, John Muir High School, was named the second greatest California athlete ever behind Joe DiMaggio.
- The greatest female athlete from California was Billie Jean King (Moffitt) who played tennis for Long Beach Poly.



- The CIFSS has a school with a “**Home School Sea Sick Advantage**”...Avalon High School 26 miles off the coast of Southern California.

- Glenn Davis, Heisman Trophy winner from Bonita High School in 1946, once dated Elizabeth Taylor. His third wife Yvonne Ameche Davis was married to two Heisman Trophy winners.



- Clarence “Bud” Houser from Oxnard High School, a three time Olympic track and field champion in 1924 and 1928, had the athletic field named after him while he was still in high school.
- The heaviest football player ever in the CIFSS was Bob “***Big Man***” Pointer who played for Santa Barbara High School in 1967 alongside the great Sam Cunningham. Bob was 6’ 1” and weighed 447 pounds.
- The tallest basketball player was Keith Goss from Sierra Vista High School who stood 7’2” in 1993.
- In the 1984 cross country season Sherman Indian High School had a runner by the name of Michael Fasthorse and Newport Harbor had a runner named Buffy Rabbitt.
- The largest stadium used by high school athletes in the United States is the Rose Bowl. Muir, Pasadena and Blair High Schools use the football field.
- The hammer throw was an event in the 1915 State CIF track meet.
- Prior to the creation of the CIFSS, the girls’ basketball team from Long Beach Poly defeated the Poly boys’ team in 1907 by a score of 20-14. Basketball in those days was referred to as a “***sissy sport.***”
- Some of the schools you might not recognize that were once members of the CIFSS:

Berkeley, Black Foxe, Brown Military, California Prep, Calipatria, Cambria, Citrus Union, Coast Union, Cutler, Jacob Riis, John Dewey, La Verne Academy, ***Las Vegas,*** Lankershim, Lomita, Midland, Mt. Empire, Newman, Mission St. Agnes, Oneonta, ***Owensmouth,*** Pacific Military, Randsburg, Shannon, ***Spanish American,*** St. Frances de Sales, Tucson, Urban Military, ***U.S.C. High School,*** Yuma.

CIF LEGISLATIVE HISTORY:

SB 19 (Campbell) Ch. 1001, Stats. 1981

LEGISLATIVE ADDRESS:
STATE CAPITOL, ROOM 3086
SACRAMENTO, CA 95814
PHONE: (916) 445-2848

DISTRICT OFFICES:
7624 PAINTER AVE., FIRST FLOOR
WHITTIER, CA 90602
PHONE: (213) 693-8284
FROM AREA CODE 714 ASK FOR
ZENITH 28284

Senate California Legislature



WILLIAM CAMPBELL
MINORITY FLOOR LEADER

ARTESIA, CERRITOS, CITY OF INDUSTRY, DIAMOND BAR, DOWNEY,
HACIENDA HEIGHTS, LA HABRA HEIGHTS, LA MIRADA,
NORWALK, ROWLAND HEIGHTS, SANTA FE SPRINGS,
WALNUT, WEST COVINA, WHITTIER

COMMITTEES:
ELECTIONS AND REAPPORTIONMENT
FINANCE
HEALTH AND WELFARE
JOINT LEGISLATIVE BUDGET
COMMITTEE

SELECT COMMITTEES:
FIRE SERVICES, CHAIRMAN
FISH AND GAME WILDLIFE

SB 19 Interscholastic Athletics

This legislation was introduced in response to recent concerns expressed by the Department of Education about the role of the California Interscholastic Federation (CIF) in high school athletics. SB 19 deletes the current provision in state law that gives the Department of Education general control over interscholastic athletics.

Instead, the local school district governing boards will exercise general control over those activities. This will insure that the current structure for high school athletics will be maintained.

SENATE DEMOCRATIC CAUCUS

SENATOR PAUL B. CARPENTER, Chairman

Bill No. SB 19 (As Amended: 4-6-81)

Author: Campbell (R)

Subject: Schools: Athletics

Finance Committee:

Be placed on Second Reading File pursuant to Senate Rule 28.8.

Policy Committee:

Ayes (7) Davis, Garamendi, Nielsen, Richardson, Speraw, Stiern, O'Keefe

Noes (2) Dills, Watson

Assembly Floor Vote: _____ AYES; _____ NOES.

Summary of Legislation:

Current law requires the state Department of Education to supervise, advise and investigate the work in physical education in the elementary and secondary schools, as well as to exercise control over all athletic activities in the public schools.

This bill deletes the provision giving the Department general control over all athletic activities of the public schools, and adds a provision specifically giving local governing boards the responsibility for governing interscholastic athletic programs in their school districts. The bill defines interscholastic athletics. In addition, it permits the local boards to enter into associations or consortia to govern regional or statewide athletic programs so long as the association or consortia does not discriminate on the basis of race, sex, or ethnic origin. Finally, it permits the state Department of Education to exercise supervision over interscholastic athletics necessary to secure compliance with state and federal law, with specified limitations.

Fiscal Effect:

According to the Legislative Analyst, no state cost.

Proponents:

California Interscholastics Federation (sponsor)
Association of California School
Administrators
California Catholic Conference
California School Boards Association
California Association of Private
School Organizations

San Francisco Unified School
District
Fresno Unified School District
Novato Unified School District
Tustin Unified School District
California Federation of Republican
Women
National Organization for Women

Opponents:

State Department of Education
California Women's Coaches Academy
California Girls and Women in Sports
California Association for Health,
Physical Education and Recreation

Arguments in Support:

Proponents argue that these high school leagues should be primarily controlled by the local governing boards with whom they have more direct contact. Proponents

SENATE DEMOCRATIC CAUCUS

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Page 2

Subject: Schools: Athletics

CONTINUED---Page 2

Arguments in Support Continued:

argue that the local governing boards are more attuned to the needs of these leagues, especially with their current problems regarding Title IX. Proponents further argue that this bill will not take control from the state, but merely places the state in a consultatory role.

Arguments in Opposition:

Opponents argue that this bill specifies action without regard to the recommendations of the Athletics Study Committee, which held numerous hearings on the subject. Further, opponents state that the California Interscholastics Federation (one association which would be delegated administrative control) acts in noncompliance with Title IX. Opponents fear this situation would worsen under this bill. Opponents argue that this bill is unnecessary because the right for local participation and the nondiscrimination requirement already exist.

Comment:

Since 1914, the Department of Education has allowed the California Interscholastics Federation (CIF), a voluntary association of schools, to regulate interscholastic athletics statewide. The Federation consists of ten regional sections, each of which is divided into several "leagues", for purposes of scheduling athletic contests, assigning referees, etc. Similar organizations exist in the other states. Almost all public, private and parochial schools (not districts) are CIF members.

The California Women's Coaches Academy in recent years has filed a civil rights complaint against CIF with the federal government, as well as a class-action lawsuit in federal court against CIF and the Department charging discrimination based on sex by the Federation. A main charge was that the Federation's requirement that voting delegates be school administrators effectively excludes women from CIF decision-making.

The OCR action reportedly triggered creation by the Superintendent last year of an Athletics Study Committee, charged with examining athletics governance. The Committee recommends that:

The California Interscholastic Federation continue to operate as the policy and administrative agency to regulate California High School Athletics. The State Department of Education shall guarantee and be responsible for assuring that governance of interscholastic athletics in California is in compliance with all federal and state statutes binding judicial decisions and guidelines including Title VI, Title VII, Title IX, Public Law 94-142, and Section 504 of the Rehabilitation Act.

Several weeks ago, the lawsuit was settled through negotiated stipulations regarding equal opportunity for boys and girls in high school sports. The court retains jurisdiction in the matter for three years.

SENATE REPUBLICAN CAUCUS

SENATOR KENNETH L. MADDY, Chairman

FREE COPY

POSITIONS:

SEE COMMENTS FOR SUPPORT AND OPPOSITION

BILL NUMBER: SB 19

AUTHOR: Campbell, eta

AMENDED COPY: 4-6-81
MAJORITY VOTE

Committee Votes:

Senate Floor Vote:

COMMITTEE: EDUCATION		
BILL NO.:	SB 19	
DATE OF READING:	4-8-81	
SENATORS:	AYE	NO
Carson		
Davis		
Dills		
Garamendi		
Nielsen		
Richardson		
Sperav		
Stiern		
Watson		
O'Keefe (V.C.)		
Sieroty (Chair)		
TOTAL:	7	2

PLACED ON FILE AS
A RESULT OF SENATE
RULE 28.8

Assembly Floor Vote:

DIGEST

- 1 This bill deletes the provision giving the Department of Education
- 2 general control over all athletic activities of the public schools
- 3 and adds a provision specifically giving local governing boards the
- 4 responsibility for governing interscholastic athletic programs in
- 5 their school districts.
- 6
- 7 Defines interscholastic athletic as those policies, programs, and
- 8 activities which are formulated or executed in conjunction with, or
- 9 in contemplation of, athletic contests between 2 or more schools,
- 10 either public or private.
- 11
- 12 Permits local boards to enter into associations (consortia) to
- 13 govern regional or statewide athletic programs providing they do
- 14 not discriminate on the basis of race, sex or ethnic origin.
- 15
- 16 Permits the State Department of Education to exercise supervision
- 17 over state and federal law with specified limitations.
- 18
- 19 FISCAL EFFECT: Appropriation, no. Fiscal Committee, yes. Local, no.
- 20
- 21 COMMENTS
- 22
- 23 Since 1914, the Department of Education has allowed the California
- 24 Interscholastics Federation (CIF), a voluntary association of
- 25 schools, to regulate interscholastic athletics statewide. The
- 26 Federation consists of ten regional sections, each of which is
- 27 divided into several "leagues," for purposes of scheduling athletic
- 28 contests, assigning referees, etc. Similar organizations exist
- 29 in the other states. Almost all public, private and parochial
- 30 schools (not districts) are CIF members.
- 31
- 32

- NEXT PAGE -

1 The California Women's Coaches Academy in recent years has filed a
2 civil rights complaint against CIF with the federal government, as
3 well as a class-action lawsuit in federal court against CIF and
4 the department charging discrimination based on sex by the Federation.
5 A main charge was that the Federation's requirement that voting
6 delegates be school administrators effectively excludes women from
7 CIF decision-making.
8

9 The Office of Civil Right's action reportedly triggered creation by
10 the Superintendent last year of an Athletics Study Committee,
11 charged with examining athletics governance. The committee recommends
12 that:
13

14 The California Interscholastic Federation continue to operate
15 as the policy and administrative agency to regulate Calif-
16 ornia High School Athletics. The State Department of Educa-
17 tion shall guarantee and be responsible for assuring that
18 governance of interscholastic athletics in California is in
19 compliance with all federal and state statutes binding
20 judicial decisions and guidelines including Title VI,
21 Title VII, Title IX, Public Law 94-142, and Section 504
22 of the Rehabilitation Act.
23

24 In February, the lawsuit was settled through negotiated stipulations
25 regarding equal opportunity for boys and girls in high school sports.
26 The court retains jurisdiction in the matter for three years.
27

28 Those in support argue that the bill keeps the control of inter-
29 scholastic sports in the hands of the local school districts
30 through their federations.
31

32 SUPPORT:
33

34 California Federation of Republican Women
35 California Association of Private School Organizations
36 CIF - Southern Section
37 Fresno Unified School District
38 Novato Unified School District
39

40 OPPOSED:
41

42 State Department of Education
43 California Women's Coaches Academy
44 California Girls and Women in Sports
45 California Association for Health, Physical Education and Recreation
46

47 Principal Coauthor: Senator O'Keefe
48 Senate Coauthors: Beverly, Briggs, Davis, Johnson, Montoya, Nielsen,
49 Robbins, Schmitz, Speraw, Stiern, and Vuich.
50 Assembly Coauthors: Bergeson, D. Brown, Costa, Felando, Filante,
51 Frazee, Frizzelle, Imbrecht, Ivers, Johnson, Konnyu, La Follette,
52 Leonard, Lewis, McAlister, Robinson, D. Stirling, Wray, Wright, and
53 Young
54
55
56
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SENATE REPUBLICAN CAUCUS

SENATOR KENNETH L. MADDY, Chairman

ASSEMBLY AMENDMENTS

POSITIONS:

SEE COMMENTS FOR SUPPORT AND OPPOSITION

BILL NUMBER: SB 19

AUTHOR: Campbell, et al

AMENDED COPY: 9-14-81
MAJORITY VOTE

Committee Votes:

Senate Floor Vote: P. 1998 (5/7/81)

SIGNATURE ASSOCIATION		
SEN. NO.	19	
DATE	5-7-81	
SENATORS	AYE	NO
Carpenter		
Davis		
Dills		
Garamendi		
Nielsen		
Richardson		
Speraw		
Stiern		
Watson		
O'Keefe (V.C.)		
Sieroty (Chair)		
TOTAL	72	

The roll was called and the bill was passed by the following vote:
AYES (26)—Senators Beverly, Boatwright, Briggs, Campbell, Carpenter, Craven, Davis, Doolittle, Ellis, Foran, Garamendi, Mar Garcia, Holmdahl, Johnson, Keene, Marks, Mills, Montoya, Nielsen, O'Keefe, Presley, Richardson, Schmitz, Speraw, Stiern, and Vaich
NOES (4)—Senators Dills, Roberts, Sieroty, and Watson.
Bill ordered transmitted to the Assembly.

Assembly Floor Vote:

DIGEST

- 1 This bill:
- 2
- 3 1) States legislative intent that the California Interscholastic
- 4 Federation consult with the State Department of Education to
- 5 implement specified policies.
- 6
- 7 2) Defines interscholastic athletics as those policies, programs,
- 8 and activities which are formulated or executed in conjunction
- 9 with, or in contemplation of, athletic contests between 2 or
- 10 more schools, either public or private.
- 11
- 12 3) Permits local boards to enter into associations (consortia) to
- 13 govern regional or statewide athletic programs providing they do
- 14 not discriminate on the basis of race, sex or ethnic origin.
- 15
- 16 4) Authorizes the State Department of Education to state whether
- 17 interscholastic athletic policies of school districts, associati
- 18 or consortia of school districts are in compliance with state
- 19 and federal law.
- 20
- 21 5) Authorizes the department to bring appropriate legal proceedings
- 22 if it determines that the California Interscholastic Federation,
- 23 a district association as consortium is not complying with stat
- 24 and federal law, and if no action is being taken to achieve
- 25 compliance.
- 26 6) Prohibits the Federation from participating directly in any
- 27 student athletic insurance program, and provides that the
- 28 Federation is not to accept funds from any entity operating the
- 29 student athletic insurance program.
- 30
- 31
- 32

-NEXT PAGE-

1 FISCAL EFFECT: Appropriation: No. Fiscal Committee: Yes. Local: No.

2
3 COMMENTS:

4 Since 1914, the Department of Education has allowed the California
5 Interscholastics Federation (CIF), a voluntary association of
6 schools, to regulate interscholastic athletics statewide. The
7 Federation consists of ten regional sections, each of which is
8 divided into several "leagues," for purposes of scheduling athletic
9 contests, assigning referees, etc. Similar organizations exist
10 in the other states. Almost all public, private and parochial
11 schools (not districts) are CIF members.

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16 well as a class-action lawsuit in federal court against CIF and
17 the department charging discrimination based on sex by the Federation.
18 A main charge was that the Federation's requirement that voting
19 delegates be school administrators effectively excludes women from
20 CIF decision-making.

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22 The Office of Civil Right's action reportedly triggered creation by
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33 judicial decisions and guidelines including Title VI,
34 Title VII, Title IX, Public Law 94-142, and Section 504
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45 SUPPORT:

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47 California Federation of Republican Women
48 California Association of Private School Organizations
49 CIF - Southern Section
50 Fresno Unified School District
51 Novato Unified School District
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56
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SAC

OPPOSED:

State Department of Education

California Women's Coaches Academy

California Girls and Women in Sports

California Association for Health, Physical Education and Recreation

Principal Coauthor: Senator O'Keefe

Senate Coauthors: Beverly, Briggs, Davis, Johnson, Montoya, Nielsen,

Robbins, Schmitz, Speraw, Stiern, and Vuich.

Assembly Coauthors: Bergeson, D. Brown, Costa, Felando, Filante,

Frazee, Frizzelle, Imbrecht, Ivers, Johnson, Konnyu, La Follette,

Leonard, Lewis, McAlister, Robinson, D. Stirling, Wray, Wright, and
Young

CURRENT LAW

Governance:

"The Department of Education shall...exercise general control over all athletic activities of the public schools."

CURRENT PRACTICE

Since 1914, interscholastic athletic activities have been administered by representatives (principals or other administrators) of the individual schools through a voluntary association known as the California Interscholastic Federation (CIF).

The present voluntary association is structured as follows: (1) each school belongs to a league (approximately 8 schools to a league; (2) leagues elect, from their membership, representatives to the section (regional) governing body. There are 10 sections (regions) in California; (3) each section elects, from its membership, representatives to the state governing body (State Federated Council).

A representative of the SDE sits as a voting member of the State Federated Council.

The association (CIF) enacts and enforces rules relating to eligibility for, and participation in, interscholastic athletic programs among and between schools.

Brings the law into conformity with California's historical and current practice.

CURRENT LAW

CURRENT PRACTICE

SB 19

Financial Impact

Uncertain. Historically, expenses of the SDE voting representatives have been financed by the CIF. Additional involvement by SDE may result in need for commensurate state financing.

*See Legal Status Below

None.

Self-supporting from dues paid by member schools (decided by majority vote at section level), income from play-off events; and corporate donations.

None.

~~Assures continuation of present~~
PROVIDES STATUTORY AUTHORITY FOR PRESENT SELF-SUPPORTING PROCEDURE.

Legal Status

Uncertain. Current statutory law gives no specific jurisdiction to local school boards and voluntary associations in area of interscholastic athletics and appears to unqualifiedly give all control to SDE. If courts should hold that local school districts and voluntary associations are without authority in this area, effect would be that only SDE would have statutory authority to administer interscholastic athletics. In this event, query financial impact at state level?

Some sections have incorporated as non-profit corporations. The remaining sections, leagues and the Federated Council are organized as non-profit associations. Although they have done so for 67 years, present law gives no statutory authority to local school districts and associations to administer interscholastic athletic activities.

Provides statutory authority for present self-supporting procedure.

CURRENT LAW

CURRENT PRACTICE

SB 19

Private Schools

Addresses only "public" schools. Makes no provision for or reference to participation by private schools in interscholastic athletic policies, programs and activities with public schools.

Query: Constitutional (first amendment) problems if religiously affiliated private schools must subject, directly or through a voluntary association, "general control" of any program to a state agency?

Historically and presently public and private schools cooperate and interact within the same voluntary association on the parliamentary/democratic basis of one vote per school. This rationale has permitted private schools to participate on a "majority will" basis rather than under the "general control" of a government agency.

a. Query: Possibility and impact of "recruiting" and other undesirable athletic practices, should private schools be required to form an interscholastic athletic program separate from, and in opposition to, public schools.

b. Query: Impact upon ability of some private schools (as well as public schools) to obtain games in some parts of the state if private schools should feel compelled to form a separate and opposing interscholastic athletic program.

Provides statutory basis for present cooperative interaction between public and private schools. Proposed Section 35179(e) specifically recognizes participation of private schools.

CURRENT LAW

CURRENT PRACTICE

SB 19

Compliance With State and Federal Law

The SDE shall exercise... general control.

Compliance is achieved by local school districts and their voluntary association(s) which coordinate with the SDE.

The SDE is authorized to supervise interscholastic athletics to the extent necessary to achieve compliance with the state and federal laws. When supervision is not necessary to the achievement of compliance, community and local discretion is maintained.

Association Membership

The SDE shall have "general control".

Membership of the association (CIF) is presently made up of principals and other administrators (or representatives of their schools) at league, section (regional) and state levels.

Local school boards will have the discretion to designate any person they believe will best reflect community interests as representatives of schools. Membership at all levels will consist of school board designees, since those designees will make up the pool from which officers and representatives to sectional (regional) & state governing bodies will be elected.

NOTE: SECTIONS 4149020 THROUGH 4149023 OF THE E.D. Code & Sections 11135 THROUGH 11139.5 OF THE GOVT CODE PROHIBIT DISCRIMINATION BY GOVERNING BODIES. PROPOSED SECTION 35177(G) PROHIBITS DISCRIMINATION FROM PERSONNEL.

FILE COPY

Revised - 9/14/81

SB 19

ASSEMBLY THIRD READING

SB 19 (Campbell) As Amended: September 14, 1981

SENATE VOTE: 26-4

ASSEMBLY ACTIONS:

COMMITTEE ED. VOTE 7-1 COMMITTEE W. & M. VOTE 12-2

Ayes: Hart, Hughes, Leonard, Naylor,
Sebastiani, Tanner, Greene

Ayes: Baker, Bosco, Duffy, Frizzelle,
Hart, Ivers, Johnson, Marguth,
McCarthy, Robinson, Wyman,
Imbrecht

Nays: Vasconcellos

Nays: M. Waters, Vasconcellos

DIGEST

Current law authorizes the State Department of Education to exercise general control over all school athletic programs in California.

This bill limits the authority of the State Department of Education (SDE). Specifically, this bill:

- 1) Grants general control over interscholastic athletics to school district governing boards.
- 2) Authorizes the governing boards to enter into associations with the other boards for purposes of governing interscholastic athletics and forbids such associations to discriminate on the basis of race, sex, or ethnic origin.
- 3) Authorizes the SDE to monitor and enforce school district and association compliance with state and federal laws concerning interscholastic athletics.
- 4) Prohibit the California Interscholastic Federation (CIF) from participating directly in any student athletic insurance programs.
- 5) Prohibit CIF from accepting funds from any entity operating the student athletic insurance program, except as provided in the contract between Great Republic Life Insurance Company and CIF executed on August 1, 1981.
- 6) Establishes intent language that the CIF consult with the SDE when implementing various policies.
- 7) Sunsets June 30, 1987.

- continued -

FISCAL EFFECT

None

COMMENTS

Under current law, the State Department of Education has the authority to exercise general control over all school athletic programs in California. In 1914, the department organized the California Interscholastic Federation (CIF) and since then has delegated to it the control, supervision and regulation of interscholastic athletics.

The policy committee analysis points out that in recent years CIF has come under close scrutiny as a result of a lawsuit brought by the California Women's Coaches Academy in 1977 and a critical report in 1979 by the Office of Civil Rights of the Department of Health, Education and Welfare. Both charged that CIF had not provided equal opportunities for women's sports.

The state Superintendent of Public Instruction subsequently appointed an Athletics Study Committee to examine the provisions by which interscholastic athletes were governed and administered.

The committee recommended that local school boards select their representatives to their respective league; that all CIF league, section and state meetings should be open and fair notice should be given; that a neutral final appeals body should be available to hear grievances against each school league or section; that funds paid for the protection fund (accident insurance) should not be used for the administration of athletic programs; and that CIF regions should be restructured (currently there are 500 sections in one region; six sections in another).

out 6/12/81

SUBCOMMITTEE ON EDUCATIONAL REFORM

BILL NO: SB 19, as amended 6/22/81 (Fiscal)

AUTHOR: Campbell

SUBJECT: Schools: Athletics

BACKGROUND: Pursuant to Education Code Section 33352, the California State Department of Education has the authority to exercise general control over all school athletic programs in California. In 1914, the Department organized the California Interscholastic Federation (CIF) and since then has delegated to it the control, supervision and regulation of interscholastic athletics.

In recent years, the CIF has come under close scrutiny due to a lawsuit brought by the California Womens Coaches Academy (1977) and a critical report by the Department of Health, Education, and Welfare's Office of Civil Rights (1979). Both charged that CIF had not provided equal opportunities for women's sports.

Subsequently, State Superintendent of Public Instruction Wilson Riles formed an Athletics Study Committee to examine the provisions by which interscholastic athletics were governed and administered and to submit a final report and recommendations.

The committee agreed that CIF administrator should be retained with the Department of Education exercising general control and monitoring over the CIF. Its major recommended changes were that:

1. Local school boards select their representatives to their respective league. At present, only school administrators (usually white male principals) are eligible.

MORE.....

2. All CIF league, section and State meetings should be open and fair notice should be given.
3. A neutral final appeals body should be available to hear grievances against each school league or section.
4. Funds paid for the protection fund (i.e., accident insurance) should not be used for the administration of athletic programs.
5. CIF regions should be restructured. (Currently, there are 500 sections in one region, and six sections in another.)

ANALYSIS: This bill would:

1. Establish local school boards as the agencies of control and responsibility for inter-scholastic athletic programs.
2. Allow local boards to enter into voluntary associations (i.e., the CIF) for establishing statewide policies.
3. Establish intent language that the CIF consult with the State Department of Education in implementing the first three policies recommended by the Department's Athletics Study Committee.
4. Forbid discrimination against any person on the basis of race, sex, or ethnic origin.
5. Allow the State Department of Education to determine whether local school districts and the CIF are in compliance with State and federal law.

MORE.....

SENATE COMMITTEE ON EDUCATION

Staff Analysis of
SB 19 (Campbell)
As Amended April 6, 1981

Summary

This bill, sponsored by the California Interscholastics Federation (CIF) would:

1. Shift statutory control over inter-scholastic sports from the Department of Education to local governing boards;
2. Allow local boards to exercise their control by delegating administration to local and regional associations (e.g., CIF);
3. Permit the Department of Education to identify, but not specify remedies for, local board or associations' non-compliance with state and federal law.
4. As an apparent offshoot of recent federal court action, prohibit discrimination in interscholastic athletics and require that local boards "assure" compliance with civil rights laws.

Background

Since 1914, the Department of Education has allowed the CIF, a voluntary association of schools, to regulate interscholastic athletics statewide. The Federation consists of ten regional sections, each of which is divided into several "leagues", for purposes of scheduling athletic contests, assigning referees, etc. Similar organizations exist in the other states. Almost all public, private and parochial schools (not districts) are CIF members.

The California Women's Coaches Academy in recent years has filed a civil rights complaint against CIF with the federal government, as well as a class-action lawsuit in federal court against CIF and the Department charging discrimination based on sex by the Federation. A main charge was that the Federation's requirement that voting delegates be school administrators effectively excludes women from CIF decision-making.

The OCR action reportedly triggered creation by the Superintendent last year of an Athletics Study Committee, charged with examining athletics governance. The Committee recommends that:

The California Interscholastic Federation continue to operate as the policy and administrative agency to regulate California High School Athletics. The State Department of Education shall guarantee and be responsible

More...

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for assuring that governance of interscholastic athletics in California is in compliance with all federal and state statutes binding judicial decisions and guidelines including Title VI, Title VII, Title IX, Public Law 94-142, and Section 504 of the Rehabilitation Act.

Several weeks ago, the lawsuit was settled through negotiated stipulations regarding equal opportunity for boys and girls in high school sports. The court retains jurisdiction in the matter for three years.

Comment

According to the author, the deletion of the word "religion" (page 3, line 10 of the February 9 version of the bill) is necessary so that those parochial schools which enroll predominantly one religion may participate in interscholastic athletics without penalty.

Support

Association of California School Administrators
California Association of Private School Organizations
CIF - Southern Section
Fresno Unified School District
Novato Unified School District
Tustin Unified School District
California Federation of Republican Women
San Francisco Unified School District
National Organization for Women

Opposition

State Department of Education
California Women's Coaches Academy
California Girls and Women in Sports
California Association for Health, Physical Education and Recreation

Mr. Chairman and Members of the Committee:

I am Phyllis Blatz, physical education teacher, from Chaffey High School, Ontario, California. As immediate Past-President of the National Association for Girls and Women in Sport, I have brought a prepared statement from our organization, which represents over 10,000 professional educators.

In addition, as a high school instructor, former coach, consultant in physical education and athletics, and a former administrative assistant for the California Interscholastic Federation, Southern Section, I have more than a casual interest in SB 19 and the governance and conduct of high school athletics. In 1976 I completed a master's project in educational administration which proposed alternative governance models for high school athletics. I highlight this background to provide a basis for you to evaluate my remarks.

As a consultant to the State Superintendent's Athletic Study Committee, I was most surprised to learn that a legislative measure was being proposed which would remove the current supervisory role of the State Department of Education. A most representative and highly dedicated cross-section of students, parents, coaches, athletic directors, principals, superintendents, CIF representatives and school board members met unrelentingly through the summer and fall months of 1980 to evaluate the current status of high school athletics, study legal implications and make recommendations for the governance and management of athletics in the future. Why didn't the CIF refrain from securing legislative action until this report was completed? Why does the CIF imply that local control has been restricted in the past, when school principals have independently controlled the destiny of interscholastic athletics since the CIF was founded? What is the real motivation for this legislation? Perhaps, the challenge of internal evaluation was too threatening to the maintenance of the status quo. For the very first time -- in 1980 -- the State Department of Education chose to examine policies, programs and governance, although the responsibility for control has been established

since 1914. As indicated in the Athletic Study Committee report, there are questionable practices in the areas of student insurance, representation of appropriate constituencies in the decision-making process, interest in and application of federal and state civil rights provisions and appeals procedures, among others. Would removing athletics from state supervision also remove the pressure to change?

Other motivation? Perhaps, athletics has become so important in our society that its governance deserves a quasi-superior body to direct it - because it cannot be considered on the same level with the other areas of the school curriculum (i.e., English, mathematics). As an educator in a comprehensive high school, I find it inconceivable that one can support elevating athletics to a status which suggests that other curricular or co-curricular programs are less important to an individual student's achievement or development. Specifically, this bill would even make athletics more important than physical education for which graduation credit is given and for which certificated instructors are always required. It is my contention that all aspects of the educational program for students are deserving of more equitable consideration.

SB19 suggests that local school boards would be individually liable for actions of the state CIF Federated Council, but could not control its programs or policies. Also, in Section 35179 (d) persons with handicapping conditions may be denied athletic opportunities, as the bill is presently worded.

One final thought for your consideration . . . Experts in organizational theory note that when internal or external forces indicate the need for change to occur, an organization is most likely to spend more energy and resources to resist these forces than to accommodate them. I believe that the students in California high schools deserve an improved program of educational athletics. This can be accomplished in large measure by implementing the recommendations of the Athletic Study Committee. SB19 encourages CIF to maintain the status quo. I urge you to vote in opposition to this bill.

Ch 1001

CALIFORNIA STATE BOARD OF EDUCATION

721 CAPITOL MALL
SACRAMENTO, CA 95814



September 29, 1981

The Honorable Edmund G. Brown Jr.
Governor, State of California
State Capitol
Sacramento, CA 95814

Dear Governor Brown:

The State Board of Education is in opposition to SB 19. This bill removes governance of interscholastic athletics from the general control of the Department and places it under a private organization, the California Interscholastic Federation. Although the bill states that the Department of Education shall protect students against discrimination in athletic programs, the bill also states that the only mechanism for fulfilling this responsibility shall be filing a suit for judicial relief.

This bill will also negate the settlement agreed to by the Department in the class action suit on unlawful sex discrimination filed by the California Women Coaches Academy because it eliminates the Department's ability to implement the settlement.

Sincerely,

A handwritten signature in cursive script that reads 'Ann Leavenworth'.

Ann Leavenworth
President

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CALIFORNIA WOMEN COACHES ACADEMY v.
CALIFORNIA INTERSCHOLASTIC FEDERATION,
et al.,

No. 77-1270 LEW

**IMPORTANT NOTICE OF PENDENCY OF CLASS ACTION
AND PROPOSED SETTLEMENT TO CERTAIN FEMALES
WHO ARE QUALIFIED TO COACH OR OFFICIATE GIRLS' HIGH SCHOOL
INTERSCHOLASTIC CONTESTS IN THE STATE OF CALIFORNIA**

This Notice is given to you pursuant to an Order of the United States District Court for the Central District of California. It is to inform you of certain judicial proceedings in the above-captioned litigation including the nature of the litigation, a description of the class of persons affected, proposed settlements of the litigation and a February 9, 1981 hearing on the proposed settlements. It is also to inform you how to object to the proposed settlements if you believe they should not be approved as fair, reasonable and adequate.

PART ONE: NOTICE OF PENDENCY OF CLASS ACTION

A. Nature of the Litigation.

1. On April 8, 1977 California Women Coaches Academy ("Academy") and three individual members of the Academy filed this litigation as plaintiffs on behalf of themselves and certain other female coaches and officials for girls' high school interscholastic athletic contests. The Academy is recognized as a representative organization of women coaches in California. Defendants in this action ("defendants") are California Interscholastic Federation ("CIF"), which is an association organized to direct and control California high school interscholastic athletics; the Federated Council ("Federated Council"), which is the representative governing body of the CIF; Northern Section, North Coast Section, San Joaquin Section, San Francisco City Section, Central Coast Section, Central Section, Los Angeles City Section, Southern Section and San Diego Section ("Member Sections"), which are the regional subdivisions of the CIF; the California Department of Education ("State Department"); and Wilson Riles, who is Superintendent of Public Instruction and Director of Education of the State of California.

2. In their complaint, plaintiffs have made certain allegations of unlawful sex discrimination including charges that defendants (a) exclude women from participating in the Federated Council and the governing bodies of the Member Sections, (b) establish a smaller number of approved sports for girls' than for boys' interscholastic athletics, (c) establish shorter seasons, fewer contests per season, and less advantageous scheduling of girls' than boys' interscholastic athletics, (d) discriminate on the basis of sex in the hiring of persons to appoint officials for girls' interscholastic athletic contests, (e) discriminate on the basis of sex in the hiring of officials for girls' interscholastic athletic contests, and (f) establish lower rates of pay for officials for girls' interscholastic athletics than for officials for the same sports for boys' interscholastic athletics. In the complaint, plaintiffs request that defendants be prohibited from so discriminating and request that damages for lost wages and lost employment opportunities be awarded to the class.

3. Defendants CIF, Federated Council and Member Sections have denied all charges asserted against them, disclaimed all wrongdoing and liability and set forth certain defenses. Defendants State Department and Wilson Riles have admitted that (a) the opportunities for females to act as voting

members of CIF and the governing bodies of Member Sections are limited by the policy of allowing only superintendents, high school principals and members of high school administrative staffs to participate as voting members, (b) the rules and regulations of all defendants provide for a smaller number of approved sports for girls than for boys, which have the effect of providing fewer employment opportunities for female coaches and officials, and (c) the rules and regulations of Member Sections, State Department and Wilson Riles allow girls' interscholastic athletics to be scheduled for shorter seasons and fewer contests per season than boys' interscholastic athletics, and fail to schedule girls' seasons to coincide with the traditional season for the particular sport, which have the effect of providing fewer employment opportunities for female coaches and officials. Defendants State Department and Wilson Riles have denied all other charges of discrimination asserted against them but have admitted that the charges constitute unlawful sex discrimination to the extent that they are true.

4. The Court has not ruled on the merits of any of the claims or defenses.

B. The Proposed Class.

5. Plaintiffs and defendants have stipulated, and the Court has also ruled, only for the purposes of the proposed settlements described in Part Two of this Notice ("proposed settlements"), that this litigation may proceed, pursuant to Rule 23(b)(2) of the Federal Rules of Civil Procedure, as a class action on behalf of the following class of persons:

"All females in the State of California who are qualified by training and experience to coach or officiate for pay at girls' high school interscholastic athletic contests sponsored by any of the defendants named in the action."

C. Effects of Class Maintenance.

6. If the description of the class set forth in paragraph 5 of this Notice ("class") includes you, then you are a member of the class.

7. If you are a member of the class, you will be bound by the proposed settlements and judgments thereon if the Court approves the proposed settlements, and you will not have the right to maintain a separate action even if you have already filed your own action.

PART TWO: NOTICE OF PROPOSED SETTLEMENTS

A. Summary of the Terms and Conditions of the Proposed Settlements Which Are Common to All Defendants.

8. The terms and conditions of the proposed settlements are set forth in the following Stipulations for Settlement: (a) the Stipulation for Settlement Between Plaintiffs and Defendants California Interscholastic Federation, Named Member Sections (Other Than L.A. City Section) and the Federated Council; (b) the Stipulation for Settlement Between Plaintiffs and Defendants California Department of Education and Wilson Riles; and (c) the Stipulation for Settlement Between Plaintiffs and Defendant Los Angeles City Section. These three Stipulations for Settlement were filed, respectively, on September 25, 1980, September 25, 1980 and September 22, 1980.

9. Plaintiffs' counsel in this action have considered the disadvantages and advantages of the proposed settlements and have concluded that each of the proposed settlements is in the best interest of all members of the class.

10. The following is a summary of the terms and conditions common to all three of the proposed settlements:

(a) The number of sports, contests and events available to female athletes shall be approximately the same number as are available for male athletes;

(b) Levels of competition and scheduling of competition shall be determined without regard to the sex of the participant athlete;

(c) Athletic facilities shall be made available without regard to the sex of the participant athlete;

(d) The length of seasons in identical sports for boys and girls shall be an equal number of weeks;

(e) Defendants need not schedule identical sports during the same season as long as it is not to the detriment of one sex over the other;

(f) Appointments to officiate and rates of officials' pay for identical sports shall be determined without regard to the sex of the athletes or the officials; and

(g) Plaintiffs and class members relinquish any claims they may have for lost wages and lost employment opportunities due to past discrimination by defendants.

B. Proposed Settlement with California Department of Education and Wilson Riles.

11. The proposed settlement between plaintiffs and defendants State Department and Wilson Riles includes the following terms in addition to those described in paragraph 10 of this Notice:

(a) The State Department shall require each secondary school to conduct a survey to determine the interest of its students in participating in and supporting teams for interscholastic sports;

(b) The State Department and Wilson Riles agree that females will have substantial opportunities to participate as voting members of the governing structure for interscholastic athletics. They further agree that there shall be approximately the same number of representatives of girls' interscholastic athletics as compared to boys' interscholastic athletics, if there are representatives of either girls' or boys' interscholastic athletics participating on the governing structure as voting members;

(c) No discrimination shall occur between boys and girls in interscholastic athletic programs;

(d) The proposed settlement is to be implemented in the 1980-81 academic year;

(e) Plaintiffs agree not to seek attorneys' fees or costs against the State Department and Wilson Riles; and

(f) The State Department shall annually obtain the rules and regulations of each Section of CIF and assurances of compliance with the provisions of the proposed settlement.

C. Proposed Settlement With Los Angeles City Section.

12. The proposed settlement between plaintiffs and defendant Los Angeles City Section includes the following terms in addition to those described in paragraph 10 of this Notice:

(a) No discrimination shall occur between boys and girls in interscholastic athletic programs;

(b) The proposed settlement is to be implemented in the 1980-81 academic year; and

(c) Plaintiffs agree not to seek attorneys' fees or costs against Los Angeles City Section.

D. Proposed Settlement With CIF, Federated Council and Member Sections.

13. The proposed settlement between plaintiffs and defendants CIF, Federated Council, Northern Section, North Coast Section, San Joaquin Section, San Francisco City Section, Central Coast Section, Central Section, Southern Section and San Diego Section ("CIF defendants") includes the following terms in addition to those described in paragraph 10 of this Notice:

(a) CIF defendants encourage but do not assume the responsibility of policing compliance by individual schools with the law in regard to sex discrimination in interscholastic sports;

(b) In the event of a court determination that a member of CIF is in non-compliance with applicable sex discrimination laws, CIF will undertake suspension or other sanctions deemed appropriate by it; and

(c) Subject to the approval of the Court, CIF defendants agree to pay \$7,500 to plaintiffs' counsel towards plaintiffs' attorneys' fees, costs and expenses.

E. Claims Extinguished by Proposed Settlements.

14. The proposed settlements, subject to the approval of the Court, will settle and release all claims and causes of action of all members of the class, whether or not asserted in this litigation, which

are against any of the defendants and relate to the circumstances which are the subject matter of this litigation.

F. Application For Attorneys' Fees and Expenses.

15. Plaintiffs' counsel have incurred costs and expenses and have rendered services (at such attorneys' applicable hourly rates for the persons performing the services) in an amount in excess of \$40,000 and have not been paid for any such services, costs or expenses except to the extent of \$1,400 already paid by the Academy. The proposed settlement between plaintiffs and CIF defendants provides that, subject to the approval of the Court, CIF defendants shall pay \$7,500 to plaintiffs' counsel towards plaintiffs' attorneys' fees, costs and expenses. CIF defendants have agreed to pay this sum to buy their peace and to avoid the anticipated future inconvenience, distraction and expense, both by way of attorneys' fees and time and expense of CIF defendants' personnel, that would be required in the course of protracted discovery and trial proceedings to defend this litigation. Plaintiffs' counsel will apply to the Court for \$7,500 to be paid by CIF defendants towards attorneys' fees, costs and expenses.

PART THREE: NOTICE OF SETTLEMENT HEARING

16. A settlement hearing shall be held before the Court on February 9, 1981 at 9:00 a.m. in Courtroom 4 of the United States Courthouse, 312 North Spring Street, Los Angeles, California. The purpose of the hearing is to determine whether the proposed settlements are fair, reasonable and adequate and should be approved by the Court and judgment entered thereon, and to consider the application of plaintiffs' counsel for attorneys' fees, costs and expenses ("fee application"). The hearing may be adjourned by the Court from time to time by announcement at the hearing, or any adjournments thereof, without further notice.

17. Any class member may appear at the hearing and object to the proposed settlements and fee application. Any class member who desires to object to any of the proposed settlements or fee application shall file with the Clerk of this Court on or before January 23, 1981, a written notice of her intention to appear and object to the approval of the proposed settlements or fee application, together with copies of all papers and briefs to be submitted to the Court at such hearing. A copy of such notice and any accompanying papers shall be mailed on or before January 23, 1981 to plaintiffs' counsel Robert A. Shlachter, Esq., Schwartz, Alschuler & Grossman, 1880 Century Park East, Twelfth Floor, Los Angeles, California 90067.

18. No class member shall be entitled in any way to object to any of the proposed settlements, fee application or any judgment thereon unless she first shall have filed with the Court a written objection in accordance with paragraph 17 above. Any class member who fails to file an objection in the manner specified in paragraph 17 above shall be deemed to have waived the right to object and shall be forever foreclosed from objecting to any of the proposed settlements, fee application or any judgment thereon.

PART FOUR: EXAMINATION OF PLEADINGS AND PAPERS

19. This notice is not all-inclusive. The references to the pleadings, the proposed settlements, fee application and other papers and proceedings are only summaries. For the full details of this litigation, the claims and defenses which have been asserted by the parties and the terms and conditions of the proposed settlements, you may desire to contact plaintiffs' counsel or refer to the pleadings and other papers filed in the litigation. Inquiries of plaintiffs' counsel should be directed to: Robert A. Shlachter, Esq., Schwartz, Alschuler & Grossman, 1880 Century Park East, Twelfth Floor, Los Angeles, California 90067. You may examine the files in this litigation on any week day from 8:30 a.m. to 4:30 p.m. at the Office of the Clerk, United States District Court for the Central District of California, 312 North Spring Street, Los Angeles, California 90012.

Edward M. Kritzman, Clerk
United States District Court
For The Central District Of California

Dated: December 1, 1980.

CALIFORNIA STATE DEPARTMENT OF EDUCATION

ATHLETICS STUDY COMMITTEE

TENTATIVE REPORT AND RECOMMENDATIONS

Recommendations

The SDE shall consider expanding its role in sports activities grades 5-8 and its role in programs for the handicapped.

The State Department of Education's Role in the conduct of athletics in California shall be expanded. Specific suggestions for that expanded role include, but are not limited to: a representative from SDE legal department, a representative from Project S.E.E., a SDE cabinet-level officer, and a representative from the SDE physical education and athletics department.

The SDE personnel, including cabinet level, shall be readily available to the CIF and shall be requested to actively participate in statewide athletic administration.

The SDE CIF assume greater responsibility for monitoring:

- a. Number of contests
- b. Number of sports offered
- c. Length of season/season of sport
- d. Length of practice
- e. Eligibility
- f. Safety procedures and practices
- g. Placement of sports within season

Recommendations

In grievances involving legal compliance issues, the State Department of Education should serve as the appeals body.

The SDE shall supply funding for athletic management. The legal issue of private schools being served needs to be investigated.

Scholastic eligibility requirements shall be consistent for all extracurricular participants.

Students who participate in spirit and musical support activities/services for athletic events shall be provided uniforms commensurate with those provided to athletic teams.

SDE shall investigate the development of a program of athletics for the handicapped students to be placed in the least restrictive environment.

STATEMENT ON SB 19

By

DONALD R. McKINLEY
Chief Deputy Superintendent
State Department of Education

April 8, 1981

As a result of the increasing concerns expressed throughout the state regarding the governance of high school athletics, equity of participation, including participation by women and minorities, the Athletic Study Committee was established by State Superintendent of Public Instruction Wilson Riles. In December of 1980, the committee submitted its final report to the State Superintendent of Public Instruction which included recommendations that address the various concerns.

Based on the recommendations of the Athletics Study Committee, the following reform recommendations have been presented to the Federated Council of the Interscholastic Federation. The recommendations of the Study Committee recognize the long and successful administration of athletics by the California Interscholastic Federation; however, there is also a recognition that some changes in the areas of equity, due process, and public participation are essential to be consistent with the procedures and practices which all agencies dealing with the public sector must adhere to. Although all of the recommendations need strong consideration, in order to insure involvement of local boards of education and provide equity and openness in the process, we feel that the implementation of the following five areas should commence immediately.

1. Local boards of education should be involved in selecting a voting representation to the leagues either by direct appointment or the development of policies for such procedures. (See recommendations on pages 2 and 3).
2. Meetings of the leagues interim governing bodies (sections) and the State Federated Council should be open to the public preceded by a published agenda and a written procedure for input by interested parties. (See recommendations on page 3).
3. There should be a neutral, final appeals body which should be established by mutual agreement involving the State Department of Education and the California Interscholastic Federation. (See recommendations on page 5).
- ④ The California Interscholastic Federation and its insurance protection fund should be separate and distinct organizations. They should be operated by separate boards and the administration of the state athletics program should not be funded by the protection fund. (See recommendations on page 4).
- ⑤ The California Interscholastic Federation should establish criteria for section realignment to include equitable representation for all geographic regions and schools and, further, the Federated Council should undertake realignment of sections based on the criteria recommended in the report. (See recommendations on page 3).

The above changes do not represent a power struggle with the CIF and do represent the principles of local control with which all parties are concerned. These changes can be made by means of mutual cooperation of the State Department of Education and the California Interscholastic Federation

without legislation. The department has not asked for and will not ask for additional resources or manpower to govern or administer athletics, since we believe it is best done through CIF, providing the changes outlined above are implemented. We therefore believe the passage of SB 19 would serve no purpose and may only confuse the future governance of athletics in California.

RAY J. PLUTKO
Commissioner of Athletics
MARGARET DAVIS
Administrative Assistant
DEAN CROWLFY
Administrative Assistant
WILLIAM R. CLARK
Administrative Assistant



SOUTHERN SECTION

Ch 1001

EXECUTIVE COMMITTEE

TONY BALSAMO
Principal
Apple Valley HS

M. P. CHAVEZ
Principal
Downey HS

JAMES FAUL
Principal
Wilson HS (HH)

CLYDE FRANCISCO
Athletic Director
Chaffey HS

KAREN HELLYER
Girls' Athletics Director
University HS

BRUCE KEUNING
Principal
Valley Christian HS

GENE KNOTT
Vice Principal
Ramona HS

PAT MAUCH
Principal
Los Altos HS

DR. ROBERT PACKER
Assistant Superintendent
Tustin Unified

ROBERT PAISOLA
Principal
Lompoc HS

DR. MAURY ROSS
Superintendent
Tustin Unified

BLINN TENNEY
Principal
Central Union HS

BARBARA WILSON
Administrator
Beverly Hills HS

ANDREW PATTERSON
Attorney at Law
Ex Officio

October 5, 1981

The Honorable Edmund G. Brown, Jr.
Governor of California
State Capitol
Sacramento, California 95814

Dear Governor Brown:

Following the many months of hard work and input, I would be remiss in not offering a note of appreciation for your personal and professional efforts in securing passage of Senate Bill 19.

On behalf of the 500 member schools within the CIF Southern Section, we do appreciate your vote of confidence. As Senate Bill 19 indicates, our efforts over the past 68 years have indeed been notable in fostering the growth of interscholastic athletics for the thousands of students we serve. With the passage of Senate Bill 19, local Boards of Education will continue to provide the major policy decisions along these lines.

If I may ever be of service to you, please do not hesitate to contact me personally here at the CIF Southern Section Office.

Respectfully,

Ray Plutko
Commissioner of Athletics

RP:kl

cc: Mr. Thomas E. Byrnes, Commissioner, California Interscholastic Federation
Dr. Maury Ross, Superintendent, Tustin Unified School District
Mrs. Barbara Wilson, Assistant Principal, Beverly Hills High School
Mr. Andrew W. Patterson, Attorney at Law

Support SB 19

ED

RAY J. PLUTKO
Commissioner of Athletics
MARGARET DAVIS
Administrative Assistant
DEAN CROWLEY
Administrative Assistant
WILLIAM R. CLARK
Administrative Assistant



SOUTHERN SECTION

EXECUTIVE COMMITTEE

TONY BALSAMO
Principal
Apple Valley HS

M. P. CHAVEZ
Principal
Downey HS

JOHN CUNY
Principal
Victor Valley HS

JOSEPH L. DEAL
Principal
South Hill HS

JAMES FAUL
Principal
Wilson HS (HH)

CLYDE FRANCISCO
Athletic Director
Chaffey HS

DONALD R. HAGEN
Assistant Principal
Reynolds HS

BRUCE KEUNING
Principal
Valley Christian HS

GENE KNOFT
Vice Principal
Farmingdale HS

DR. ROBERT FACKER
Principal
Casta Mesa HS

ROBERT FANOLA
Principal
Lompoc HS

DR. HANFORD RANIS
Principal
Galt HS

DR. MAURICE REND
Principal
Foothill HS

BARBARA V. HALL
Principal
Foothill HS

ARLON HALL
Principal
Foothill HS

February 19, 1981

Honorable Senator Alan Sieroty
Senate Post Office
State Capitol
Sacramento, California 95814

Dear Senator Sieroty,

As an Athletic Administrator and strong supporter of high school athletics for Boys and Girls, I am writing in support of current legislation introduced by Senator William Campbell, known as Senate Bill 19.

Superintendent of Education, Wilson Riles, is apparently desirous of placing control for athletics at the State level rather than in the hands of locally elected Boards of Education where this control now rests. I believe any involvement of the State Department of Education should be limited strictly to an advisory capacity.

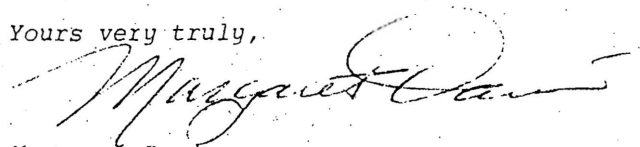
As a former athlete, physical education instructor, Girls' athletic coach, Girls' Athletic Director and now as an Athletic Administrator with the California Interscholastic Federation, Southern Section, I bring a personal perspective of the functions and performance of the CIF observed from these many levels.

I challenge anyone to find a comparable structure in the United States that has responded as rapidly and as effectively to concerns of equity between Boys and Girls programs as has the CIF. Our Girls' athletic program has progressed as far in six or seven years as did Boys' athletics in one-half of a century.

I enthusiastically endorse the present governance structure of high school athletics in our State and am proud to be involved and take part in the positive and constant growth of this organization.

In summary, I urge your support of Senate Bill 19, which will insure the maintenance of policy making at the local level.

Yours very truly,

A handwritten signature in cursive script, appearing to read "Margaret Davis", written in dark ink.

Margaret Davis
Administrative Assistant

MD:rmg

RAY J. PLUTKO
Commissioner of Athletics
MARGARET DAVIS
Administrative Assistant
DEAN CROWLEY
Administrative Assistant
WILLIAM R. CLARK
Administrative Assistant



SOUTHERN SECTION

EXECUTIVE COMMITTEE

TONY BALSAMO
Principal
Apule Valley HS

M. P. CHAVEZ
Principal
Downey HS

DON CONDI
Principal
Victor Valley HS

JOSEPH J. DEAL
Principal
South Hill HS

JAMES FAGI
Principal
Wilkes HS (HH)

CYNDE FRANCISCO
Athletic Director
Cypress HS

DONALD R. HAGEN
Assistant Principal
Rolling Hills HS

BRUCE KEUNING
Principal
Valley Christian HS

GENE KNOTT
Vice Principal
Rancho HS

DR. ROBERT PACKER
Principal
Corte Madera HS

ROBERT PAINOLA
Principal
Lombard HS

DR. HANFORD RANTS
Principal
Carmel HS

DR. MAURY ROSS
Superintendent
Tustin Union HS

BARBARA WELLS
Assistant Principal
Beverly Hills HS

ANDREW W. WILSON
Assistant Principal
Lakewood HS

March 25, 1981

Honorable Senator Allen Siroti
Chairman
Senate Education Committee
State Capitol
Sacramento, California 95814

Dear Senator Siroti:

Just a brief note to again seek your assistance relative to Senate Bill 19.

It is our most sincere hope that you, as a member of the Senate Education Committee, will support SB 19 in order to maintain governance and local control of high school athletics.

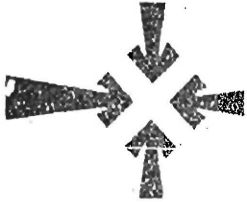
Our organization concerns itself with not only athletics, but academics as well in an effort to foster the growth of all Boys and Girls within the State of California.

Again, I seek your assistance in the passage of Senate Bill 19 and if I may be of further service, please do not hesitate to contact me personally here at the CIF Southern Section Office.

Respectfully,

Ray Plutko
Commissioner of Athletics

RP:KI



California Association of Private School Organizations

Support SB 19

REPLY TO

926 "J" Street, Suite 1100
Sacramento, CA 95814
(916) 443-4851

American Lutheran Education Association
American Lutheran Church

Baptist Day School Association

California Association of
Independent Schools

California Catholic Conference
Division of Education
The Roman Catholic Archdioceses of
Los Angeles and San Francisco and the
Dioceses of Fresno, Monterey, Oakland,
Orange, Sacramento, San Bernardino,
San Diego, Santa Rosa and Stockton

Episcopal Diocese of California
Department of Education

Episcopal Diocese of Los Angeles
Department of Schools

Lutheran Church - Missouri Synod
California, Nevada and Hawaii District
Department of Education and Youth

Lutheran Church - Missouri Synod
Southern California District
Department of Education and Youth

National Association of
Hebrew Day Schools

Christian Schools International
District VIII

Pacific Union Conference of
Seventh Day Adventists
Office of Education

OFFICERS

Brother Dominic Berardelli, F.S.C.
Chairman

The Rev. Canon David Forbes
Vice Chairman

Bruce Keuning
Secretary-Treasurer

Joseph P. McElligott
Director of Governmental Relations

March 26, 1981

The Honorable Alan Sieroty, Chairman
Senate Education Committee
State Capitol
Sacramento, CA 95814

Dear Senator Sieroty:

As the chairman of the Senate Education Committee, you will be considering S.B.19 (Campbell) on Wednesday, April 1, 1981.

On behalf of California's private and Church related high schools, I ask for your support for this measure which seeks to keep the State Department of Education from unnecessary intrusion in the operations of locally controlled interscholastic athletic activities.

Interscholastic athletic leagues involve many Church related high schools over which the State Department of Education has no governance role.

Our schools are satisfied with locally controlled leagues within CIF. While not always perfect, these leagues do provide adequate processes for addressing alleged injustices. A costly and remote State bureaucracy would probably not be as responsive to local concerns as is the present voluntary and cost effective management system.

Particularly at a time when the State is faced with hard fiscal decisions about its budget, it would seem appropriate to discourage the development of yet another bureaucracy which, in the long run, would involve a need for State support.

Your favorable consideration of S.B.19 is urged.

Sincerely,

Joseph P. McElligott
Joseph P. McElligott, Ed.D.
Director for Governmental Relations
and
Director, Division of Education
California Catholic Conference

JPM:gt



California Federation
of Republican Women

Women... with a will and a way.

Mrs. George Brekke
President

To Ed. Committee

March 31, 1981

Senator Alan Sieroty, Chairman
Senate Education Committee
State Capitol
Sacramento, CA 95814

Re: SB 19 - SUPPORT

Dear Senator Sieroty:

The 40,000 member California Federation of Republican Women wishes to inform you of its support for SB 19.

For sixty years or so, the California Interscholastic Federation has governed and regulated interscholastic sports in the state's high schools. Members of the Federation are the local school districts that participate in interscholastic sports. This bill is an attempt to keep the control of these activities in the hands of the local school districts through their federation.

The Superintendent of Public Instruction should remain in an advisory capacity only. No need has been demonstrated to require new regulations to be made by him or the Department of Education.

Sincerely,

Lola Brekke
President

for assuring that governance of interscholastic athletics in California is in compliance with all federal and state statutes binding judicial decisions and guidelines including Title VI, Title VII, Title IX, Public Law 94-142, and Section 504 of the Rehabilitation Act.

Several weeks ago, the lawsuit was settled through negotiated stipulations regarding equal opportunity for boys and girls in high school sports. The court retains jurisdiction in the matter for three years.

Comment

According to the author, the deletion of the word "religion" (page 3, line 10 of the February 9 version of the bill) is necessary so that those parochial schools which enroll predominantly one religion may participate in interscholastic athletics without penalty.

Support

Association of California School Administrators
California Association of Private School Organizations
CIF - Southern Section
Fresno Unified School District
Novato Unified School District
Tustin Unified School District
~~California Federation of Republican Women~~
San Francisco Unified School District
National Organization for Women

Opposition

State Department of Education
California Women's Coaches Academy
California Girls and Women in Sports
California Association for Health, Physical Education and Recreation

BIDDLE, WALTERS AND BUKEY

ATTORNEYS AT LAW
1010 ELEVENTH ST., SUITE 200
SACRAMENTO, CALIFORNIA 95814
(916) 441-3237

W. CRAIG BIDDLE
ROBERT G. WALTERS
JOHN L. BUKEY
RICHARD L. HAMILTON
ROBERT S. SHELburnE
MARGARET MARI MERCHAT
HALINA F. OSINSKI

Committee

ORANGE COUNTY
363 SO. MAIN ST., SUITE 210
ORANGE, CALIFORNIA 92668
(714) 532-6368

January 14, 1981

Honorable Alan Sieroty, Chairman
Senate Education Committee
State Capitol
Sacramento, California 95814

RE: SB 19

Support

Dear Senator Sieroty:

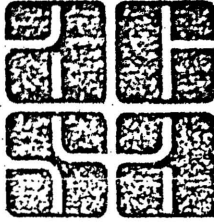
We note that SB 19 by Senator Bill Campbell has been assigned to Senate Education. Our client, the Fresno Unified School District, is very interested in the subject matter of this measure. The District has taken a position at this time of support on SB 19 and it is our hope that your staff would contact this office prior to the hearing on the bill to discuss our interests.

Sincerely,

BIDDLE, WALTERS & BUKEY

Robert G. Walters
Robert G. Walters

gj



February 2, 1981

Honorable William Campbell
State Capitol
Sacramento, Ca 95814

Re: SB 19

Dear Bill,

We are pleased to inform you that the ACSA State Legislation Committee has taken a support position in regard to the above measure.

Sincerely,

James M. Donnelly
Director, Legislative Office

jmd;me

cc: Chairman and members, Senate Education Committee

Association Of California School Administrators Legislative Office

1517 L Street, Sacramento, California 95814 (916) 444-3216

James M. Donnelly, Director
Legislative Office

James O. Gorman
Consultant

Robert Infelise, Director
Legislative Programs



STATE OF CALIFORNIA
DEPARTMENT OF EDUCATION
STATE EDUCATION BUILDING, 721 CAPITOL MALL, SACRAMENTO 95814

February 11, 1981

The Honorable William Campbell
Member, State Senate
Room 3086, State Capitol
Sacramento, CA 95814

Dear Senator Campbell:

We have reviewed Senate Bill 19 and must inform you that we oppose the deletion of the current education code provision giving the Department of Education general control over all athletic activities of the public schools.

Interscholastic athletics is an integral part of the total educational program. We believe that it is appropriate that athletics programs and the educational objectives achieved through student participation be administered by the cooperative efforts of local school boards, and the California State Department of Education. Currently this cooperative effort involves the California Interscholastic Federation (CIF), which has been delegated the administrative role of conducting the interscholastic program in California. In a letter to the CIF in July 1973, Wilson Riles stated that local school districts should continue to delegate control, supervision and regulation of their interscholastic athletic programs by their voluntary action to the CIF. Throughout the life of this cooperative effort, interscholastic athletics has remained under the authority of locally elected boards of education.

In June, 1980, Superintendent Riles appointed an Athletics Study Committee. This group presented their report to the Superintendent and recommended among other things, that:

- 1) local school boards continue to be responsible and accountable for all aspects of the interscholastic athletic program in schools under their jurisdiction.
- 2) school boards should be able to enter into associations for governing interscholastic athletics.
- 3) that the California State Department of Education and the CIF cooperate in the governance of interscholastic athletics.

*Henry
Leg. comm.
under*

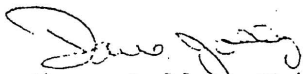
4) the CIF continue to operate as the policy and administrative agency for interscholastic athletics.

5) that the California State Department of Education shall guarantee and be responsible for assuring that governance of interscholastic athletics is in compliance with all federal and state statutes.

The Department is currently taking steps to carry out the recommendations of the Athletics Study Committee. We feel that no changes should be made in state statute at this time affecting the current method of governing school athletics in California.

If you would like to discuss our position on SB 19, please contact me at (916) 445-0683.

Sincerely,



Dave Jolly, Chief
Office of Governmental Affairs
(916) 445-0683

DJ:df

CALIFORNIA WOMEN COACHES ACADEMY

*Member of the National Coaches Council
National Association for Girls and Women in Sport*

Lillian Koppelman
Senate Education Committee
Room 2207
State Capitol
Sacramento, CA 95814

March 27, 1981

Dear Madam and Sirs,

The California Women Coaches Academy would like to register our opposition to Senate Bill 19 (Campbell), now being considered by the Senate Education Committee. It is our position that the removal of athletics from the supervision of the State Department of Education would seriously undermine educational accountability in California.

S.B. 19 restates the relationship of physical education under the supervision of the State Department of Education, which is as it should be. To then remove what is essentially advanced physical education from this supervision is in reality moving athletics outside the educational process. A very visible and vital part of public education is no longer accountable to any authority outside itself.

The formation of a league or consortia, obviously intended to mean the existing California Interscholastic Federation (C.I.F.), would create an outside agency with total control and supervisory power over public school athletics. The Department of Education would have direct supervision only over local school boards and districts, while C.I.F. would be supervised by no one. C.I.F. then has the power to establish policies and procedures which must be followed by any school or district which wishes to compete in California. If there should be, as in the past, any legal problem with these policies the Department of Education would have to act district by district to rectify the situation. This would prevent the Department from monitoring C.I.F. compliance with the Education Code, and state and federal laws.

It should also be remembered that C.I.F. or any other consortia would be financially supported by student body and district funds. It would seem that a group supported on a statewide level by such funding should be answerable to a higher authority.

If athletics are truly part of the educational process they should fall under the supervision of the State Department of Education, like basic programs. Otherwise, it should not be part of education.

Thank you for your time and attention. I hope you will give these points your serious consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Nancy Hamilton", followed by a horizontal line.

Nancy Hamilton
President
California Women Coaches Academy

National Association for Girls & Women in Sport

Committed to Quality and Equality



March 31, 1981

Hon. Alan Sieroty, Chair
Senate Education Committee
Sacramento, CA 95814

Dear Mr. Sieroty:

It has come to our attention that you are now considering legislation which would modify your state Education Code to delete the role of the State Department of Education in supervising interscholastic athletics in California.

Our organization of 10,000 members is particularly cognizant of the great strides made by the schools in California under the leadership of Wilson Riles in implementing state and federal statutes dealing with equal opportunity. It is our understanding that the California Interscholastic Federation has not been as receptive to implementing these regulations, nor including appropriate representation in its governance structure.

We urge you to consider the impact on the total educational program of excluding athletics from statewide scrutiny. Local school boards should determine student needs and interests, activity programs, funding, representation, administration, etc. but such a vital part of the school curriculum also deserves recognition, leadership and assistance from the State Department of Education. SB 19, as proposed, appears to negate that important role.

Very truly yours,

Doris Corbett

Doris Corbett
President

cc: NAGWS Executive Committee
Fay Riles, AAHPERD President

Officers

DORIS CORBETT
NAGWS President
254 Henry Truman Drive
Largo, MD 20870

HELEN "SUSIE" KNERIM
NAGWS President-elect
Slippery Rock State College
Slippery Rock, PA 16057

PHYLLIS A. BLATZ
NAGWS Past President
1256 Redding Way
Upland, CA 91786

CAROL L. THOMPSON
NAGWS Executive Director
1900 Association Drive
Reston, VA 22091



California Association for Health, Physical Education, Recreation and Dance

401 So. Hartz Avenue, Suite 203, Danville, CA 94526

(415) 837-5545

EUGENE STEMM, PRESIDENT
6571 TRINETTE AVE
GARDEN GROVE, CA 92645

WILLIAM L. ULLOM
EXECUTIVE SECRETARY

S.B. 19
Position Paper

S.B. 19 (Campbell) is a piece of legislation that is not needed in the control of high school athletics in the state of California. Many and far reaching problems would occur if this bill were enacted in it's present form. Athletics is an extension of the physical education program now mandated by the State Department of Education and should remain under the "general supervision" of the State Superintendent of Schools. Athletics over the years have become an integral part of the total educational presentation. To divert control to any other agency than the State Department of Education is retrogression. Athletics is a public function which should be controlled and generally supervised by a public agency, the State Department of Education, and not by a "quasi-public" agency, the California Interscholastic Federation (C.I.F.)

The State Superintendents "Commission on High School Athletics" a broad based group of professional educators and other knowledgeable persons associated with organizations and associations at all levels of the professional strata recommended, among ^{OTHER} points "the general supervision" of athletics in the state should remain under the "general supervision" of the State Superintendent. The California School Boards Association in their "California Interscholastic Federation Task Force" recommended that "The State Department of Education should continue to exercise general control of interscholastic sports and to guarantee and be responsible for assuring that the governance of interscholastic sports is in compliance with state and federal statutes and regulations and binding judicial decisions. Local boards will be responsible for compliance at the school and district level." The California Association of Health, Physical Education, Recreation, and Dance has recommended that "high school interscholastic athletics should remain under the general supervision of the State Superintendent and that the C.A.H.P.E.R.D. Association opposed the legislative intent of Senator Campbells S.B. 19 as it presently reads."

The problems as seen by C.A.H.P.E.R.D. with respect to this proposed legislation is as follows:

1. Without the general supervision of the State Department of Education and the state superintendent of schools, Title IX

EXECUTIVE BOARD:
SANDRA THOGG, PRESIDENT ELCF
GAILA WILKINS, PRESIDENT

EARLE KREPELIN, VP HEALTH EDUCATION
JOHN FORTHMANN, VP PHYSICAL EDUCATION
HOZALYN WASHINGTON, VP RECREATION

GARY JUDD, VP BOYS & MEN'S ATHLETICS
MELVA IRVIN, VP GIRLS & WOMEN'S ATHLETICS
FREDDIE ELAINE THOMPSON, VP DANCE

violations would increase at astronomical proportions. Every school and school district could be filed upon individually bringing athletics to a total stand still. The costs of non-compliance to school districts in gathering data, depositions, staff ill-will, and student unrest is staggering.

2. The recent settlement between the State Department of Education and the California Womens Coaching Academy would become invalid if the state superintendents control over interscholastics athletics were advisory.
3. No other disciplines in the educational process are generally controlled or supervised by a "quasi-agency." This could set a precedent.
4. Local control of interscholastic sports will always remain within the discretionary power of boards of Education. S.B. 19 gives local boards the power and authority which they now have.
5. How can legislation be supported in behalf of an agency (C.I.F.) that circumvented state and federal law and the results of which brought suit against the State Department of Education because of their (C.I.F.) policies and organizational structure.

In "The Constitution of California Interscholastic Federation Cardinal Athletic Principals" it states; "To Be of Maximum Effectiveness, The Athletic Program will:

1. Be a well-coordinated part of the secondary school curriculum.
2. Justify the use of the tax funds and school facilities because of the educational aims achieved.

The California Association of Health, Physical Education, Recreation, and Dance would be supportive of S.B. 19 if:

1. "The general control over all athletic activities of the public schools" remain with the State Board of Education, the State Department of Education and the State Superintendent of Schools.
2. That Interscholastic sports should be defined as grades 9 through 12.

CIF RECENT LEGISLATION:

SB 37 (Speier) Ch. 673, Stats. 2005

SB 562 (Torlakson) Ch. 301, Stats. 2005

AB 2315 (Strickland) Leg. 2006

SB 1411 (Ortiz) Leg. 2006

BILL NUMBER: SB 562 CHAPTERED
BILL TEXT

CHAPTER 301

FILED WITH SECRETARY OF STATE SEPTEMBER 18, 2006

APPROVED BY GOVERNOR SEPTEMBER 18, 2006

PASSED THE SENATE AUGUST 29, 2006

PASSED THE ASSEMBLY AUGUST 24, 2006

AMENDED IN ASSEMBLY AUGUST 21, 2006

AMENDED IN ASSEMBLY JULY 7, 2005

AMENDED IN ASSEMBLY JUNE 16, 2005

AMENDED IN SENATE APRIL 21, 2005

INTRODUCED BY Senator Torlakson

FEBRUARY 18, 2005

An act to amend Sections 33352, 33353, 33354, and 35179 of the Education Code, relating to physical education.

LEGISLATIVE COUNSEL'S DIGEST

SB 562, Torlakson Physical education: California Interscholastic Federation.

Existing law provides the State Department of Education the authority to exercise general supervision over courses of physical education and specified authority over interscholastic athletics. Existing law grants the governing board of a school district authority to regulate interscholastic athletics, including, but not limited to, the authority to enter into associations or consortia with other boards relating to interscholastic athletics, with certain requirements. Existing law repeals these provisions on January 1, 2007.

This bill would extend the operation of these provisions indefinitely.

Existing law also describes the California Interscholastic Federation, provides the intent of the Legislature regarding its policies, and requires it to report to the Legislature by January 1, 2005. Existing law repeals these provisions on January 1, 2007.

This bill would extend the operation of these provisions to January 1, 2012. The bill would require the California Interscholastic Federation to report to the Legislature on or before January 1, 2010, with certain requirements, and would provide the intent of the Legislature regarding public comment relating to the California Interscholastic Federation.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 33352 of the Education Code is amended to read:

33352. (a) The department shall exercise general supervision over the courses of physical education in elementary and secondary schools of the state; advise school officials, school boards, and teachers in the development and improvement of their physical education and activity programs; and investigate the work in physical education in the public schools.

(b) The department shall ensure that the data collected through the Categorical Program Monitoring indicates the actual number of minutes of instruction in physical education actually provided by each school district, for the purpose of determining whether each school district is in compliance with the physical education requirements of Sections 51210, 51220, 51222, and 51223.

SEC. 2. Section 33353 of the Education Code is amended to read:

33353. (a) The California Interscholastic Federation is a voluntary organization that consists of school and school related personnel with responsibility for administering interscholastic athletic activities in secondary schools. It is the intent of the Legislature that the California Interscholastic Federation, in consultation with the department, implement the following policies:

(1) Give the governing boards of school districts specific authority to select their athletic league representatives.

(2) Require that all league, section, and state meetings affiliated with the California Interscholastic Federation be subject to the notice and hearing requirements of the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Division 2 of Title 5 of the Government Code).

(3) Establish a neutral final appeals body to hear complaints related to interscholastic athletic policies.

(4) Provide information to parents and pupils regarding the state and federal complaint procedures for discrimination complaints arising out of interscholastic athletic activities.

(b) (1) The California Interscholastic Federation shall report to the Legislature and the Governor on its evaluation and accountability activities undertaken pursuant to this section on or before January 1, 2010. This report shall include, but not be limited to, the goals and objectives of the California Interscholastic Federation with regard to, and the status of, all of the following:

(A) The governing structure of the California Interscholastic Federation, and the effectiveness of that governance structure in providing leadership for interscholastic athletics in secondary schools.

(B) Methods to facilitate communication with agencies, organizations, and public entities whose functions and interests interface with the California Interscholastic Federation.

(C) The quality of coaching and officiating, including, but not limited to, professional development for coaches and athletic administrators, and parent education programs.

(D) Gender equity in interscholastic athletics, including, but not limited to, the number of male and female pupils participating in interscholastic athletics in secondary schools, and action taken by the California Interscholastic Federation in order to ensure compliance with Title IX of the Education Amendments of 1972 (20 U.S.C. Sec. 1681, et seq.).

(E) Health and safety of pupils, coaches, officials, and spectators.

(F) The economic viability of interscholastic athletics in secondary schools, including, but not limited to, the promotion and marketing of interscholastic athletics.

(G) New and continuing programs available to pupil-athletes.

(H) Awareness and understanding of emerging issues related to interscholastic athletics in secondary schools.

(2) It is the intent of the Legislature that the California Interscholastic Federation accomplish all of the following:

(A) During years in which the California Interscholastic Federation is not required to report to the Legislature and the Governor pursuant to paragraph (1), it shall hold a public comment

period relating to that report at three regularly scheduled federation council meetings per year.

(B) Annually allow public comment on the policies and practices of the California Interscholastic Federation at a regularly scheduled federation council meeting.

(C) Require sections of the California Interscholastic Federation to allow public comment on the policies and practices of the California Interscholastic Federation and its sections, and the report required pursuant to paragraph (1), at each regularly scheduled section meeting.

(D) Engage in a comprehensive outreach effort to promote the public hearings described in subparagraphs (A) and (C).

(c) This section shall become inoperative on January 1, 2012, unless a later enacted statute, that is enacted before January 1, 2012, deletes or extends that date.

SEC. 3. Section 33354 of the Education Code is amended to read:

33354. (a) The department shall have the following authority over interscholastic athletics:

(1) The department may state that the policies of school districts, of associations or consortia of school districts, and of the California Interscholastic Federation, concerning interscholastic athletics, are in compliance with both state and federal law.

(2) (A) If the department states that a school district, an association, or consortium of school districts, or the California Interscholastic Federation is not in compliance with state or federal law, the department may require the school district, association, or consortium, or the federation to adjust its policy so that it is in compliance. However, the department shall not have authority to determine the specific policy that a school district must adopt in order to comply with state and federal laws.

(B) Notwithstanding any other provision of law, a complainant from a public school who wishes to file a discrimination complaint pursuant to the regulations adopted for the purpose of implementing Section 261 based on interscholastic activities conducted by an association, a consortium of school districts, or by the California Interscholastic Federation, is not required to first file a discrimination complaint with a school district, but may file an initial discrimination complaint directly with the department, and the department shall have the authority to specify, with regard to a specific discrimination complaint, the administrative remedies that such an association, a consortium of school districts, or the California Interscholastic Federation must provide in order to comply with state or federal law.

(3) If the department states that a school district, association, or consortium, or the federation is not in compliance with state or federal law in matters relating to interscholastic activities, and the school district, association, or consortium, or the federation does not change its policy in order to comply with these laws, the department may commence with appropriate legal proceedings against the California Interscholastic Federation, the school district or against school districts that are members of the California Interscholastic Federation or the association or consortium that the department states is in noncompliance. In a legal proceeding, the court shall determine the matter de novo. The department may make recommendations for appropriate remedies in these proceedings.

(b) This section does not limit the discretion of local governing boards, or voluntary associations formed or maintained pursuant to subdivision (b) of Section 35179, in any policy, program, or activity that is in compliance with state and federal law.

(c) The state law with which the policies of school districts,

associations, or consortia of school districts, and of the California Interscholastic Federation, concerning interscholastic athletics, are required to comply, in accordance with this section, includes, but is not limited to, any regulations issued by the State Board of Education pursuant to Section 232 with regard to discrimination in interscholastic athletics.

SEC. 4. Section 35179 of the Education Code is amended to read:

35179. (a) Each school district governing board shall have general control of, and be responsible for, all aspects of the interscholastic athletic policies, programs, and activities in its district, including, but not limited to, eligibility, season of sport, number of sports, personnel, and sports facilities. In addition, the board shall assure that all interscholastic policies, programs, and activities in its district are in compliance with state and federal law.

(b) Governing boards may enter into associations or consortia with other boards for the purpose of governing regional or statewide interscholastic athletic programs by permitting the public schools under their jurisdictions to enter into a voluntary association with other schools for the purpose of enacting and enforcing rules relating to eligibility for, and participation in, interscholastic athletic programs among and between schools.

(c) Each governing board, or its designee, shall represent the individual schools located within its jurisdiction in any voluntary association of schools formed or maintained pursuant to this section.

(d) No voluntary interscholastic athletic association, of which any public school is a member, shall discriminate against, or deny the benefits of any program to, any person on any basis prohibited by Chapter 2 (commencing with Section 200) of Part 1.

(e) Notwithstanding any other provision of law, no voluntary interscholastic athletic association shall deny a school from participating in interscholastic athletic activities because of the religious tenets of the school, regardless of whether that school is directly controlled by a religious organization.

(f) Interscholastic athletics is defined as those policies, programs, and activities that are formulated or executed in conjunction with, or in contemplation of, athletic contests between two or more schools, either public or private.

BILL NUMBER: SB 1411 AMENDED
BILL TEXT

AMENDED IN SENATE MAY 1, 2006

INTRODUCED BY Senator Ortiz

FEBRUARY 22, 2006

An act to add Section 35179.05 to the Education Code, relating to athletic eligibility.

LEGISLATIVE COUNSEL'S DIGEST

SB 1411, as amended, Ortiz Interscholastic athletics: transfer eligibility.

Existing law grants a school district governing board general control of interscholastic athletic policies, programs, and activities in its district, including eligibility. Existing law authorizes governing boards to enter into associations with other boards for the purpose of governing interscholastic athletic programs by permitting the schools under their jurisdictions to enter into voluntary associations with other schools related to eligibility for, and participation in, interscholastic athletic programs. Existing law permits pupils to transfer from one school to another based on certain conditions.

This bill would require all voluntary interscholastic athletic associations of which secondary schools are members to permit a pupil to retain immediate eligibility to participate in any sport after his or her first transfer for any reason from one school to another school, as specified, unless the pupil transfers for disciplinary reasons. ~~The bill also would require all voluntary interscholastic athletic associations of which secondary schools are members to authorize the school from which the pupil transfers to protest this automatic eligibility to the association of which it is a member if the school believes the pupil was recruited to transfer to the other school in order to participate in a sport in which the pupil participated at the school from which the pupil transferred.~~

The bill would provide that the retention of eligibility does not apply to a pupil who transfers during the athletic season during which his or her sport is played. The bill would permit a voluntary athletic association of which secondary schools are members to prohibit a coach or athletic director determined to have engaged in athletic recruitment from coaching or otherwise participating in athletic activities for one year after the determination that the individual engaged in athletic recruitment is made.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 35179.05 is added to the Education Code, to read:

35179.05. (a) All voluntary interscholastic athletic associations of which secondary schools are members shall

~~comply with the following.~~

~~(a) - A pupil shall~~

permit a pupil to retain his or her eligibility to participate, including at the varsity level, in any sport after his or her first transfer in four years for any reason from one school to another school, unless the pupil transfers for disciplinary reasons.

(1) No period of time shall be required to ~~pass~~ elapse prior to the pupil participating in any sport at the school to which the pupil transfers , if both of the following conditions have been met:

(A) The pupil, the principal of the school from which the pupil is transferring, the principal of the school to which the pupil is transferring, and the parents or legal guardians of the pupil sign a statement acknowledging that the pupil is not transferring because of recruitment.

(B) The signed statement has been forwarded to the appropriate voluntary interscholastic athletic association by the athletic director of the school from which the pupil is transferring .

(2) This subdivision shall apply even if a pupil transfers from a private school to a public school ~~or~~ , a public school to a private school , or a private school to a private school .

(3) This subdivision does not apply to a pupil who transfers during the athletic season during which his or her sport is played.

~~— (3) —~~

(4) A voluntary interscholastic athletic association of which secondary schools are members may choose not to comply with ~~subdivision (a)~~ this subdivision regarding any additional transfer beyond the first transfer of a pupil in four years.

~~(b) A school from which a pupil transfers shall have the right to protest the automatic retention of eligibility described in subdivision (a) to the voluntary interscholastic athletic association of which it is a member if the school believes the pupil was recruited to transfer to the other school in order to participate in a sport in which the pupil participated at the school from which the pupil transferred.~~

(b) A voluntary athletic association of which secondary schools are members may prohibit a coach or athletic director determined to have engaged in athletic recruitment from coaching or otherwise participating in athletic activities for one year after the determination that the individual engaged in athletic recruitment is made.

BILL NUMBER: AB 2312 AMENDED
BILL TEXT

AMENDED IN ASSEMBLY MAY 8, 2006
AMENDED IN ASSEMBLY MAY 1, 2006

INTRODUCED BY Assembly Member Strickland

FEBRUARY 22, 2006

An act to add Section 33355 to the Education Code, relating to pupils.

LEGISLATIVE COUNSEL'S DIGEST

AB 2312, as amended, Strickland Pupil transfer policy: interscholastic athletics and activities.

Under existing law, the State Department of Education has certain authority over interscholastic activities including that if the department states that a school district, an association, or consortium of school districts, or the California Interscholastic Federation is not in compliance with state or federal law, the department may require the school district, association, or consortium, or the federation to adjust its policy so that it is in compliance. Under existing law, the department is prohibited from determining the specific policy that a school district, association, or consortium, or the federation must adopt in order to comply with state and federal laws.

This bill would prohibit school districts, associations or consortia of school districts, the California Interscholastic Federation, voluntary associations, or any other entity that governs interscholastic athletics or activities from prohibiting a pupil who transfers to a school from participating in interscholastic athletics or activities at that school ~~—, except where that pupil's disciplinary action resulted in restriction from participating in sports at the school, that existed prior to, or at the time of, the pupil's transfer from his or her prior school—~~ if it is the pupil's first time transferring to, and participating in interscholastic athletics or activities at, a school or if the pupil is transferring to his or her neighborhood high school to which the pupil was originally assigned at the beginning of grade 9. The bill would also authorize the above entities to prohibit a pupil from participating in interscholastic athletics or activities if the prohibition is needed to enforce a prior disciplinary action which restricted that pupil's participation in interscholastic athletics or activities .

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 33355 is added to the Education Code, to read:

33355. (a) School districts, associations
or consortia of school districts, the California Interscholastic

Federation, voluntary associations, or any other entity that governs or regulates interscholastic athletics or activities shall not prohibit a pupil who transfers to a school from participating in interscholastic athletics or activities at that school *if it is the pupil's first time transferring to, and participating in interscholastic athletics or activities at, a school or if the pupil is transferring to his or her neighborhood high school to which the pupil was originally assigned at the beginning of grade 9* .

~~Notwithstanding the foregoing, this section shall not be construed to prohibit a school from enforcing a disciplinary action against a pupil where that pupil's disciplinary action resulted in restriction from participating in sports activities at the school, that existed prior to, or at the time of, the pupil's transfer from his or her prior school of attendance.~~

(b) Notwithstanding subdivision (a), an entity specified in subdivision (a) may prohibit a pupil who transfers to a school from participating in interscholastic athletics or activities if the prohibition is needed to enforce a prior disciplinary action which restricted that pupil's participation in interscholastic athletics or activities.

BILL NUMBER: SB 37 CHAPTERED
BILL TEXT

CHAPTER 673

FILED WITH SECRETARY OF STATE OCTOBER 7, 2005

APPROVED BY GOVERNOR OCTOBER 7, 2005

PASSED THE SENATE SEPTEMBER 8, 2005

PASSED THE ASSEMBLY SEPTEMBER 7, 2005

AMENDED IN ASSEMBLY SEPTEMBER 2, 2005

AMENDED IN ASSEMBLY AUGUST 15, 2005

AMENDED IN ASSEMBLY JULY 11, 2005

AMENDED IN ASSEMBLY JUNE 30, 2005

AMENDED IN ASSEMBLY JUNE 23, 2005

AMENDED IN ASSEMBLY JUNE 21, 2005

AMENDED IN SENATE APRIL 27, 2005

AMENDED IN SENATE APRIL 11, 2005

INTRODUCED BY Senator Speier
(Coauthors: Senators Alquist and Kuehl)

DECEMBER 16, 2004

An act to amend Section 35179.1 of, and to add Article 6.5
(commencing with Section 49030) to Chapter 6 of Part 27 of, the
Education Code, relating to pupils.

LEGISLATIVE COUNSEL'S DIGEST

SB 37, Speier Prohibited substances.

Existing law sets forth the rights and responsibilities of pupils
in public schools. Existing law further requires certain school
employees to comply with various educational requirements.

Existing law expresses legislative findings and declarations
regarding the need for education and training for interscholastic
athletic coaches. Existing law expresses the intent of the
Legislature to establish a California High School Coaching Education
and Training Program, that would emphasize specified components,
including sport physiology, which is described as principles of
training, fitness for sport, development of a training program, and
nutrition for athletes, to be administered by local school districts.

This bill would, in addition, describe the component of sport
physiology as instruction on the harmful effects associated with the
use of steroids and performance-enhancing dietary supplements by
adolescents. The bill would require each high school sports coach, as
defined, to complete a coaching education program developed by his
or her school district or by the California Interscholastic
Federation that meets those training requirements. The bill would
make that requirement operative on December 31, 2008.

The bill would prohibit specified dietary supplements from being
used by a pupil participating in interscholastic high school sports
60 days after specified information is posted on the State Department
of Education's Internet Web site, with certain requirements. The
bill would require the California Interscholastic Federation to amend
its constitution and bylaws to require that school districts
prohibit a pupil from participating in high school sports on and
after July 1, 2006, unless that pupil signs a pledge not to use
anabolic steroids without a prescription from a licensed health care

practitioner or a prohibited dietary supplement and the parent or guardian of that pupil signs a notification form regarding those restrictions.

The bill would prohibit the marketing, sale, or distribution, as specified, of prohibited dietary substances on a schoolsite or at a school-related event.

The bill would establish the California Coaching Education Fund and permit the State Treasurer to accept private donations that may be expended, upon appropriation by the Legislature, for purposes of training coaches, as specified in the bill.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 35179.1 of the Education Code is amended to read:

35179.1. (a) This section shall be known and may be cited as the 1998 California High School Coaching Education and Training Program.

(b) The Legislature finds and declares all of the following:

(1) The exploding demand in girls athletics, and an increase in the number of pupils participating in both boys and girls athletics, are causing an increase in the number of coaches needed statewide.

(2) Well-trained coaches are vital to the success of the experience of a pupil in sports and interscholastic athletic activities.

(3) Improvement in coaching is a primary need identified by hundreds of principals, superintendents, and school board members who participated in the development of a strategic plan for the California Interscholastic Federation (CIF) in 1993 and 1994.

(4) There are many concerns about safety, training, organization, philosophy, communications, and general management in coaching that need to be addressed.

(5) It is a conservative estimate that at least 25,000 coaches annually need training and an orientation just to meet current coaching regulations contained in Title 5 of the California Code of Regulations, including basic safety and CPR requirements.

(6) School districts, in conjunction with the California Interscholastic Federation, have taken the initial first steps toward building a statewide coaching education program by assembling a faculty of statewide trainers composed of school district administrators, coaches, and athletic directors using a national program being used in several states.

(c) It is, therefore, the intent of the Legislature to establish a California High School Coaching Education and Training Program. It is the intent of the Legislature that the program be administered by local school districts and emphasize the following components:

(1) Development of coaching philosophies consistent with school, school district, and school board goals.

(2) Sport psychology: emphasizing communication, reinforcement of the efforts of young people, effective delivery of coaching regarding technique and motivation of the pupil athlete.

(3) Sport pedagogy: how young athletes learn, and how to teach sport skills.

(4) Sport physiology: principles of training, fitness for sport, development of a training program, nutrition for athletes, and the harmful effects associated with the use of steroids and performance-enhancing dietary supplements by adolescents.

(5) Sport management: team management, risk management, and

working within the context of an entire school program.

(6) Training: certification in CPR and first aid.

(7) Knowledge of, and adherence to, statewide rules and regulations, as well as school regulations including, but not necessarily limited to, eligibility, gender equity and discrimination.

(8) Sound planning and goal setting.

(d) This section does not endorse a particular coaching education or training program.

SEC. 2. Article 6.5 (commencing with Section 49030) is added to Chapter 6 of Part 27 of the Education Code, to read:

Article 6.5. Performance-Enhancing Substances

49030. (a) Sixty days after the posting of the United States Guide to Prohibited Substances and Prohibited Methods of Doping on the Web site of the department pursuant to subdivision (b), dietary supplements, as defined by subsection (ff) of Section 321 of Title 21 of the United States Code, that include any of the following substances, are prohibited from being used by a pupil participating in interscholastic high school sports:

(1) Synephrine.

(2) A prohibited substance enumerated by the United States Anti-Doping Agency Guide to Prohibited Substances and Prohibited Methods of Doping.

(b) The State Department of Health Services shall provide the State Department of Education with the United States Anti-Doping Agency Guide to Prohibited Substances and Prohibited Methods of Doping, on or before March 30, 2006. Upon receipt of the guide, the State Department of Education shall notify each school district that serves pupils in grades 9 to 12, inclusive, that the guide has been completed and shall post the guide on its Web site. The State Department of Health Services shall annually notify the State Department of Education of any amendments to the guide for the following school year. For an amendment to be applicable for the ensuing school year, the State Department of Health Services shall notify the State Department of Education as to that amendment no later than the March 30 immediately preceding the school year to which the amendment is to be applicable. Upon receipt of this notice, the State Department of Education shall notify each school district that serves pupils in grades 9 to 12, inclusive, that the guide has been amended and shall post the amended guide on its Web site. An amendment become effective until 60 days after the department posts the amended guide on its Web site.

49031. (a) A school may not accept a sponsorship from a manufacturer of a dietary supplement described in subdivision (a) of Section 49030, or from the distributor of a dietary supplement described in subdivision (a) of Section 49030 whose name appears on the labeling of the dietary supplement.

(b) A dietary supplement prohibited by Section 49030 may not be marketed on a schoolsite or at a school-related event.

(c) A dietary supplement prohibited by Section 49030 may not be sold or distributed on a schoolsite or at a school-related event.

(d) (1) For purposes of subdivision (b), "market" includes, but is not limited to, all of the following:

(A) Direct product advertising.

(B) Provision of educational materials.

(C) Product promotion by a school district employee or school district volunteer.

(D) Product placement.

(E) Clothing or equipment giveaways.

(F) Scholarships.

(2) For purposes of subdivision (b), "market" does not include the inadvertent display of a product name or product advertising by a person who is not a manufacturer or distributor of a dietary supplement described in subdivision (a) of Section 49030.

(e) Subdivision (a) does not apply to either of the following:

(1) An affiliate of a manufacturer or distributor of a dietary supplement described in subdivision (a) of Section 49030 if the affiliate does not manufacture or distribute a dietary supplement described in subdivision (a).

(2) A manufacturer or distributor of a dietary supplement described in subdivision (a) if no more than 50 percent of its annual gross sales are derived from the manufacture or distribution of dietary supplements as defined in subsection (ff) of Section 321 of Title 21 of the United States Code.

49032. (a) (1) Effective December 31, 2008, each high school sports coach shall have completed a coaching education program developed by his or her school district or the California Interscholastic Federation that meets the guidelines set forth in Section 35179.1.

(2) The coaching education program described by paragraph (1) may be taught by an athletic director or high school sports coach who is deemed to be qualified by the California Interscholastic Federation.

(b) Upon completion of the program, a high school sports coach shall be deemed to have completed the education requirement for the remainder of his or her time coaching at the high school level in any school district in the state.

(c) Each high school sports coach shall be responsible for the costs of taking the course.

(d) The training requirements of this section shall count toward the continuing education required for the renewal of the teaching credential of a coach who is also a certificated employee.

(e) Notwithstanding subdivision (a), a high school sports coach who does not meet the requirements of subdivision (a) may be used for no longer than one season of interscholastic competition.

(f) For the purposes of this section, "high school sports coach" means an employee or a volunteer who is authorized by a high school to be responsible for leading a school sports team of pupil athletes.

49033. The California Interscholastic Federation shall amend its constitution and bylaws to require, as a condition of participation in interscholastic sports, that school districts effective July 1, 2006, upon the notification provided pursuant to subdivision (b) of Section 49030, shall prohibit a pupil from participating in interscholastic high school sports, unless that pupil signs a pledge not to use anabolic steroids, as defined in Section 802 of Title 21 of the United States Code, without a prescription from a licensed health care practitioner or a dietary supplement prohibited by Section 49030 and the parent and guardian of that pupil signs a notification form regarding those restrictions.

49034. (a) The State Treasurer may accept voluntary contributions for the purpose of offsetting costs of training coaches pursuant to Sections 35179.2 and 35179.3. Contributions received by the State Treasurer shall be deposited in the California Coaching Education Fund, which is hereby created in the State Treasury.

(b) Funds deposited in the California Coaching Education Fund are available upon appropriation by the Legislature and may only be expended for purposes of Sections 35179.2 and 35179.3, and for

administration of the California Coaching Education Fund.

BILL NUMBER: SB 1618 CHAPTERED
BILL TEXT

CHAPTER 585
FILED WITH SECRETARY OF STATE SEPTEMBER 23, 2000
APPROVED BY GOVERNOR SEPTEMBER 22, 2000
PASSED THE SENATE AUGUST 31, 2000
PASSED THE ASSEMBLY AUGUST 30, 2000
AMENDED IN ASSEMBLY AUGUST 29, 2000
AMENDED IN ASSEMBLY AUGUST 24, 2000
AMENDED IN ASSEMBLY AUGUST 7, 2000
AMENDED IN ASSEMBLY JUNE 12, 2000
AMENDED IN SENATE APRIL 13, 2000

INTRODUCED BY Senator O'Connell
(Coauthors: Assembly Members Alquist, Kuehl, and Thomson)

FEBRUARY 22, 2000

An act to amend Sections 33353, 33354, and 35179 of, and to repeal and amend Section 33352 of, the Education Code, and to amend Section 1 of Chapter 151 of the Statutes of 1996, relating to interscholastic athletics.

LEGISLATIVE COUNSEL'S DIGEST

SB 1618, O'Connell. Interscholastic athletics.

Existing law requires the State Department of Education to exercise general supervision over the course of physical education in elementary and secondary schools of the state, as specified. Existing law, until January 1, 2001, describes the California Interscholastic Federation (CIF) as a voluntary organization consisting of school and school-related personnel with the responsibility for administering interscholastic athletic activities in secondary schools and sets forth legislative intent that the CIF, in consultation with the department, implement certain policies. Existing law required the CIF to report to the Legislature on its evaluation and accountability activities undertaken pursuant to those provisions on or before January 1, 1999.

This bill would extend those provisions pertaining to the CIF until January 1, 2002, and would delete obsolete, related provisions.

The bill would also require that the report be submitted to the Governor and the Legislature on or before January 1, 2002.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 33352 of the Education Code, as amended by Chapter 487 of the Statutes of 1993, is repealed.

SEC. 2. Section 33352 of the Education Code, as amended by Chapter 151 of the Statutes of 1996, is amended to read:

33352. (a) The State Department of Education shall exercise general supervision over the courses of physical education in elementary and secondary schools of the state; advise school officials, school boards, and teachers in matters of physical education; and investigate the work in physical education in the public schools.

(b) This section shall remain in effect only until January 1, 2002, and as of that date is repealed, unless a later enacted statute,

that is enacted before January 1, 2002, deletes or extends that date.

SEC. 3. Section 33353 of the Education Code is amended to read:

33353. (a) The California Interscholastic Federation is a voluntary organization consisting of school and school related personnel with responsibility for administering interscholastic athletic activities in secondary schools. It is the intent of the Legislature that the California Interscholastic Federation, in consultation with the State Department of Education, implement the following policies:

(1) Give the governing boards of school districts specific authority to select their athletic league representatives.

(2) Require that all league, section, and state meetings affiliated with the California Interscholastic Federation be subject to the notice and hearing requirements of the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Division 2 of Title 5 of the Government Code).

(3) Establish a neutral final appeals body to hear complaints related to interscholastic athletic policies.

(b) The California Interscholastic Federation shall report to the Legislature and the Governor on its evaluation and accountability activities undertaken pursuant to this section on or before January 1, 2002.

(c) This section shall remain in effect only until January 1, 2002, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2002, deletes or extends that date.

SEC. 4. Section 33354 of the Education Code is amended to read:

33354. (a) The State Department of Education shall have the following authority over interscholastic athletics:

(1) The department may state that the policies of school districts, of associations or consortia of school districts, and of the California Interscholastic Federation, concerning interscholastic athletics, are in compliance with both state and federal law.

(2) If the department states that a school district, an association, or consortium of school districts, or the California Interscholastic Federation is not in compliance with state or federal law, the department may require the school district, association, or consortium, or the federation to adjust its policy so that it is in compliance. However, the department shall not have authority to determine the specific policy that a school district, association, or consortium, or the federation must adopt in order to comply with state and federal laws.

(3) If the department states that a school district, association, or consortium, or the federation is not in compliance with state or federal law in matters relating to interscholastic activities, and the school district, association, or consortium, or the federation does not change its policy in order to comply with these laws, the department may commence with appropriate legal proceedings against the California Interscholastic Federation, the school district or against school districts that are members of the California Interscholastic Federation or the association or consortium that the department states is in noncompliance. In a legal proceeding the court shall determine the matter de novo. The department may make recommendations for appropriate remedies in these proceedings.

(b) This section shall not be construed or interpreted to limit the discretion of local governing boards, or voluntary associations formed or maintained pursuant to subdivision (b) of Section 35179, in any policy, program, or activity that is in compliance with state and federal law.

(c) The state law with which the policies of school districts, associations, or consortia of school districts, and of the California Interscholastic Federation, concerning interscholastic athletics, are required to comply, in accordance with this section, includes,

but is not limited to, any regulations issued by the State Board of Education pursuant to Section 232 with regard to sex discrimination in interscholastic athletics.

(d) This Section shall remain in effect only until January 1, 2002, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2002, deletes or extends that date.

SEC. 5. Section 35179 of the Education Code is amended to read:

35179. (a) Each school district governing board shall have general control of, and be responsible for, all aspects of the interscholastic athletic policies, programs, and activities in its district, including, but not limited to, eligibility, season of sport, number of sports, personnel, and sports facilities. In addition, the board shall assure that all interscholastic policies, programs, and activities in its district are in compliance with state and federal law.

(b) Governing boards may enter into associations or consortia with other boards for the purpose of governing regional or statewide interscholastic athletic programs by permitting the public schools under their jurisdictions to enter into a voluntary association with other schools for the purpose of enacting and enforcing rules relating to eligibility for, and participation in, interscholastic athletic programs among and between schools.

(c) Each governing board, or its designee, shall represent the individual schools located within its jurisdiction in any voluntary association of schools formed or maintained pursuant to this section.

(d) No voluntary interscholastic athletic association, of which any public school is a member, shall discriminate against, or deny the benefits of any program to, any person on the basis of race, sex, or ethnic origin.

(e) Interscholastic athletics is defined as those policies, programs, and activities that are formulated or executed in conjunction with, or in contemplation of, athletic contests between two or more schools, either public or private.

(f) This section shall remain in effect only until January 1, 2002, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2002, deletes or extends that date.

SEC. 6. Section 1 of Chapter 151 of the Statutes of 1996 is amended to read:

Sec. 1. (a) The Legislature finds and declares all of the following:

(1) The California Interscholastic Federation (CIF) is a voluntary organization that was first organized in 1914. It consists of school personnel that has had general responsibility for administering interscholastic athletic activities in high school sports and is accountable to governing boards of school districts and other local agencies.

(2) The CIF is associated with over 1,200 member schools and over 400,000 girls and boys. Through participation in athletic-centered interscholastic activities, high school pupils in California develop values, attitudes, and skills for personal growth.

(3) The mission of the CIF is to fulfill its commitment to educating California's youth for a better tomorrow and to work in partnership with the entire community to assure equity and provide services, opportunities, and leadership necessary to establish and maintain quality high school athletic programs.

(4) The CIF is governed by state and federal statutes regarding athletics and complies with State Board of Education guidelines regarding discrimination and gender equity. In addition, the CIF is governed by its own constitution and corresponding bylaws that are developed and approved by a 30-member federated council representing all facets of the education community.

(5) In 1994, the CIF completed a statewide strategic plan to examine policies and practices and in 1996, a report was presented to the Legislature.

(b) This act shall be known and may be cited as the California Interscholastic Athletic Act.

**CIF REPORT TO THE
LEGISLATURE, 2005**

**California Interscholastic Federation
Report to the Legislature and Governor
January 2005**

*Report to the California State Legislature and Governor Arnold Schwarzenegger
As required by Education Code Section 33353 (b) related to Interscholastic Athletics*

*Submitted by the California Interscholastic Federation
January 2005*

January 2005

To: The Honorable Arnold Schwarzenegger, Governor
The Honorable Don Perata, Senate President pro Tempore
The Honorable Fabian Nunez, Speaker of the Assembly
The Honorable Dick Ackerman, Senate Minority Leader
The Honorable Kevin McCarthy, Assembly Minority Leader

From: Marie Ishida, Executive Director, California Interscholastic Federation

Re: Report to the California State Legislature and Governor Related to Interscholastic Athletics

The following is a report as required by Education Code 33353 (b), which states, "The California Interscholastic Federation shall report to the Legislature and the Governor on its evaluation and accountability activities undertaken pursuant to Education Section 33353 (a)." This Section states, "The California Interscholastic Federation is a voluntary organization consisting of school and school-related personnel with responsibility for administering interscholastic athletic activities in secondary schools. It is the intent of the Legislature that the California Interscholastic Federation, in consultation with the State Department of Education, implement the following policies:

- (1) Give the governing boards of school districts specific authority to select their athletic league representatives.
- (2) Require all league, section, and state meetings affiliated with the California Interscholastic Federation be subject to the notice and hearing requirements of the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Division 2 of Title 5 of the Government Code).
- (3) Establish a neutral final appeals body to hear complaints related to athletic policies.
- (4) Provide information to parents and pupils regarding the state and federal complaint procedures for discrimination complaints arising out of interscholastic athletic activities.

The following is intended to provide a status report on the three items identified in statute in addition to an update on CIF's strategic plan.

1. Athletic League Representation

To ensure governing boards of school districts have specific authority to select their athletic league representatives, Article 2, Section 25 of the CIF State Constitution states the following:

"RATIFICATION OF REPRESENTATIVES"

Each local school district board of education or private school governing board will ratify to the appropriate CIF Section office, by August 15, of each year, the appointment of individuals and alternates by name or by title who will be school representatives to the athletic leagues for the upcoming year. In the absence of the appropriate filing, all voting privileges for the affected school(s) shall be suspended."

2. Brown Act Requirements

To ensure that all league, section, and state meetings affiliated with the California Interscholastic Federation are subject to the notice and hearing requirements of the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Division 2 of Title 5 of the Government Code), CIF's Constitution Article 4, Section 44 states the following:

"MEETINGS AT LEAGUE, SECTION AND STATE LEVELS"

All league, Section and State meetings, excluding State CIF and CIF Section appeal hearings of student eligibility, section playoffs or appeal hearings involving matters other than student eligibility or section playoffs, pursuant to Bylaws 1100, 1101, 1102 and 1103, are subject to the notice and hearing requirements of the Ralph M. Brown Act (Chapter 9, Division 2, Title 5 of the Government Code)."

The CIF State Office also provides member schools a fact sheet that outlines the provisions of the Brown Act and the responsibilities of the league, section and state as it relates to the Brown Act. The Brown Act fact sheet can be found in CIF's Constitution and Bylaws located on the CIF website www.cifstate.org

3. Establishment of a Neutral Appeals Process

To ensure that a neutral final appeals body is available to hear complaints related to athletic policies, Article 11 of CIF's Constitution states the following:

"APPEALS AND DELEGATED POWERS

CIF SECTION STUDENT ELIGIBILITY APPEALS PROCEDURES

Each CIF Section shall establish appellate procedures, which incorporate the following requirements in final Section determination of student eligibility questions. Upon written appeal, the Section shall cause the appointment of either:

- A. A hearing panel, OR
- B. A single hearing officer.

Said panel or hearing officer shall be empowered to hear the matter under consideration and rule on the eligibility status of the appellant under Section and CIF State eligibility requirements. Neither members of the hearing panel, nor a single hearing officer can have been directly associated with the matter under consideration or directly associated with the schools involved in the matter or have any other interest, personal or professional, that would preclude a fair and impartial hearing. If it is apparent from the facts that the panel or the hearing officer have no authority to adjudicate the matter under the rules, the Section may find the appeal to be without merit and deny a hearing. The Section hearing need not be conducted according to the rules of evidence and those related to witnesses. Any relevant evidence including hearsay evidence shall be admitted. All testimony shall be given under oath or affirmation administered by hearing officer (a member of the panel or a single hearing officer). (Revised May 2003 Federated Council).

C. Dates and Deadlines for Section Student Eligibility Appeals

- (1) A final appeal to the CIF Section, under this bylaw, must be initiated within 30 calendar days after a written notice of a Commissioner's, hearing panels or single hearing officer's decision denying eligibility is sent (by postmarked mail) to the affected party.
- (2) If the affected party fails to file the appeal within the 30 calendar day period, the Section's Hearing, Panel or hearing officer will not hear the appeal, and the Commissioner's decision, or hearing panel or hearing officers decision, denying eligibility, shall be final.
- (3) Within 10 business days after receiving the appeal, the CIF Section will send notice of the receipt of the appeal to the Section's panel or hearing officer, and to the appellant.

(4) Within 30 business days after notifying both parties, a hearing shall take place at a time and place determined by the Section's panel or hearing officer. Any continuance of the timelines must be agreed upon and documented.

(5) A written decision of the Section's panel or hearing officer shall be sent to the Section Commissioner and appellant within 10 business days after the hearing.

(6) From the last published CIF sponsored activity until August 15, appeal hearings may be held if the State or Section can accommodate such a request with available personnel. (Adopted May 2003 Federated Council)

1101. CIF STATE STUDENT ELIGIBILITY APPEALS AND REVIEW PROCEDURE

Appeals of final decisions determined through the CIF Section appeals procedure concerning student eligibility may be presented to the CIF State Executive Director's office after the CIF Section decision has been made in accordance with the following, if the appellant believes that the Section violated one or more of the following procedural guidelines:

A. Was the Section's decision or action lawful; i.e., did the decision or action violate Title V, the Education Code, etc. and did it extend appropriate due process to the parties?

B. Was the Section's decision or action fraudulent?

C. Did the Section act arbitrarily?

(1) Did the Section have rules and criteria by which it reached its decision?

(2) Were the Section's rules and criteria reasonable; i.e., do the Section's rules reasonably relate to a legitimate objective?

(3) Did the Section follow its own rules and criteria?

(4) Does the Section's action or decision have a basis in reason, or in other words, a reasonable basis?

The test to be employed in the application of this criteria is whether responsible people, acting in a thoughtful manner, could reasonably have reached the same decision as the Section and not whether others might personally believe the decision.

The Executive Director, upon receiving such an appeal, may review the Section's decision based on the above guidelines to determine whether their action was a violation of any of the above. If, in his or her judgment, this is the case, the Executive Director may return this matter to the Section for further review or, if necessary, set aside the decision and take jurisdiction consistent with Bylaw 1108 A.

D. Dates and Deadlines for CIF State Student Eligibility Appeals

(1) An appeal to the Executive Director, under this bylaw, must be initiated within 30 calendar days after a written notice of a CIF Section's decision denying eligibility is sent (by postmarked mail) to the affected party.

(2) If the affected party fails to file the appeal within the 30 calendar day period, the Executive Director will not hear the appeal and the CIF Section's decision, denying eligibility, shall be final.

(3) If the appeal is filed within the 30 business day period, the Executive Director will send notice of the receipt of the appeal, within 10 calendar days after receiving the appeal, to the CIF Section, and to the appellant. The notice to the CIF Section shall include all documents filed by the appellant.

(4) The CIF Section may file a response to the appeal within 15 business days. The response shall be served on the appellant. The appellant may have five (5) days to file a reply with the Executive Director.

(5) A written decision of the Executive Director shall be sent to the CIF Section and appellant within 15 business days of receipt of the final reply.
(Revised May 2003 Federated Council)

1102. CIF SECTION APPEALS PROCEDURES INVOLVING MATTERS OTHER THAN STUDENT ELIGIBILITY OR SECTION PLAYOFFS

Each CIF Section shall establish appellate procedures, which incorporate the following requirements. In the final Section determination of rules questions other than student eligibility or Section playoffs:

A. Upon written appeal, the Section shall cause a hearing body to be convened. Said body shall be empowered to hear the matter under consideration and rule on the matter at hand;

B. Sections shall publish appeal procedures and provide appropriate due process for schools engaged in any appeal under the CIF Section and/or CIF State bylaws;

C. Sections shall provide for timely notice of appeals, time schedule of such appeals, and written notice for determination of the matter being appealed;

D. Section appellate procedures shall allow for written and verbal presentations by the appellant to hearing bodies and testimony by knowledgeable parties.

1103. CIF STATE APPEAL PROCEDURES INVOLVING MATTERS OTHER THAN STUDENT ELIGIBILITY OR SECTION PLAYOFFS

A. Appeals of final decisions determined through the CIF Section appeals procedure concerning the Constitution and Bylaws of the CIF State or Section may be presented to

the CIF State Executive Director's office for mediation after the CIF Section decision has been made in accordance with the following:

(1) Was the Section's decision or action lawful, i.e., did the decision or action violate Title V, the Education Code, etc. and did it extend appropriate due process to the parties?

(2) Was the Section's decision or action fraudulent?

(3) Did the Section act arbitrarily?

a. Did the Section have rules and criteria by which it reached its decision?

b. Were the Section's rules and criteria reasonable; i.e., do the Section's rules reasonably relate to a legitimate objective?

c. Did the Section follow its own rules and criteria?

d. Does the Section's action or decision have a basis in reason, or in other words, a reasonable basis? The test to be employed in the application of this criterion is whether responsible people, acting in a thoughtful manner, could reasonably have reached the same decision as the Section and not whether others might personally believe the decision.

B. Upon receiving such an appeal, the Executive Director may, after consultation with the parties to the appeal, schedule a mediation process if, in the judgment of the Executive Director, there is a likelihood of success for this process.

(Revised May 2003 Federated Council)

1104. CIF SECTION PLAYOFF APPEALS PROCEDURES INVOLVING SECTION RULES AND REGULATIONS ONLY

Each CIF Section shall establish, to the greatest extent possible, a fair procedure to ensure a review of such matters, consistent with the time constraints involved. The decision of the Section on such matters will be final.

1105. CIF STATE PLAYOFF APPEALS PROCEDURES

The CIF State Executive Director shall have full authority to rule on any appeal directly involving State playoffs or to delegate such authority to game or meet authorities. Such a delegation of authority would not prevent the Executive Director from subsequently assuming jurisdiction if the Executive Director believed conditions warranted same.

1106. INTER-SECTIONAL DISPUTES PROCEDURE

In the event that two CIF Sections cannot come to a mutual agreement on an issue, a three -person committee composed of the President, President-Elect and past President, along with the CIF State Executive Director, is authorized to hear the issue and render a

decision which would be binding. If any member of the Committee is a representative of a CIF Section involved in the dispute, the President shall select another member of the Federated Council to serve on the Committee for that particular issue.

1107. EXECUTIVE DIRECTOR'S AUTHORITY TO INTERPRET

The CIF State Executive Director is authorized to interpret the CIF State Constitution, Bylaws, and Federated Council regulations, and to issue such official interpretations in writing to all CIF Sections. The Executive Director will report any official interpretations issued at subsequent Executive Committee meetings for their review and consideration.

1108. DELEGATED POWERS

A. In emergency situations, the CIF State President or Executive Director or his/her authorized designee may act for the Federated Council in the best interest of the organization. This action will be reviewed by the Executive Committee as soon as possible.

B. Between meetings of the Federated Council, the Executive Committee shall be empowered to act for the Federated Council when necessary. This action will be subject to the approval of the Federated Council at its next meeting.

1109. SETTING ASIDE THE EFFECT OF A RULE FOR WHICH THERE IS NO PROVISION FOR WAIVER

The Executive Director and a Section appeals committee, may, on a case-by-case basis, upon evaluation of the evidence, set aside the effect of any bylaw when, in their joint opinion all of the following criteria are met:

- A. There exists a hardship as defined by Bylaw 215;
- B. The rationale of the rule being waived will not be offended or compromised;
- C. The principle of the educational balance (over athletics) will not be offended or compromised;
- D. The waiver will not result in a safety risk to teammates or competitors;
- E. The waiver will not result in an unfair displacement of another student from athletic competition;
- F. Competitive equity among competitors will not, as a result of the waiver, be skewed in favor of the student or the student's team. (May 1997 Federated Council)

NOTE: In practice, this bylaw is initiated by a Section appeals committee. However, the Bylaw may be initiated by the Executive Director upon review of an appeal.

4. Equity Complaint and Appeal Procedure

In order to ensure CIF provides information to parents and pupils regarding the state and federal complaint procedures for discrimination complaints arising out of interscholastic athletic activities, CIF has included on its website the various processes and procedures related to complaints. Attached is a copy of that document. Additionally, member schools, leagues and sections must develop procedures which ensure that all involved parties, including the complainant, have the opportunity to provide evidence, testimony, and information, as needed.

CIF established a group of 22 Title IX equity experts statewide to assist member schools, leagues and sections regarding questions related to Title IX compliance.

Update of the California Interscholastic Federation's Strategic Plan January 2005

In December 2004, the California Interscholastic Federation presented to its Executive Committee and Federated Council an update on CIF's activities. This Update is included below.

About CIF

The California Interscholastic Federation governs California interscholastic athletics, promoting equity, quality, character and academic development. 1,362 public and private schools (926 public and 436 private high schools) comprise the membership of CIF with students participating in interscholastic athletics.

In 1992, the California Interscholastic Federation approved a strategic plan that set forth the vision, mission and long range goals of the organization.

- Promote the Economic Viability of high school athletics
- Govern CIF in a manner which is responsive to the needs of its constituents
- Achieve Equity in high school athletics and CIF governance structures
- Establish Ongoing Communication with agencies, organizations and political entities whose functions and interests interface with CIF
- Promote the awareness and understanding of Health and Safety issues facing high school athletics
- Ensure the Quality of Coaching by taking a leadership role in the professional development of high school coaches
- Ensure the Quality of Officiating of high school athletic contests

In addition, the CIF believes athletic competition is an integral part of the high school experience. CIF's ideal of "Pursuing Victory With Honor," provides the opportunity to dramatically influence the actions of the athletic community. CIF strives to strengthen the integrity of students and adults across the state by promoting the concepts of sportsmanship, honesty and quality academics. These priorities advance the highest principles of character – trustworthiness, respect, responsibility, fairness, caring and good citizenship.

Update of CIF's Strategic Plan

Below is a synopsis of the activities CIF has undertaken and accountability provisions associated with meeting these goals.

Goal – Ensure the quality of coaching by taking a leadership role in the professional development of high school coaches (1995)

- 1996-1998 – Reviewed Title V regulations to ensure compliance. Adopted the NFHS/ASEP program to meet Title V. Trained a 30 member state faculty
- 1997-98 – Worked with allied organizations, secured state matching funds for school districts who participate in Coaching Education
- CIF Offers Educational Services

Specific Actions Taken

- 1993 – No Programs
- 2004 — Major Programs Offerings, including:
 - 18,000+ coaches trained in CIF Coaching Education program
 - Since 2002 - 1,613 athletic administrators completed various CIF trainings
 - From Tulalake to Calexico, the CIF has presented 74 times to over 13,000 adults in the "CIF Parents" program
- Other Major Training Program Efforts
 - For Coaches
 - NFHS Coaching Principles
 - Citizenship Through Sports
 - Pursue Victory with Honor
 - Law & Liability for Coaches
 - Principals/Superintendent Training's
 - "Being a Successful Athletic Parent" presentations
 - Athletic Administration 15 classes including:
 - Instructor Trainings
 - Nuts and Bolts of Admin
 - Law and Liability
 - Title IX, Sexual Harassment & ADA
 - Mentoring
 - Citizenship
 - Time Management
 - Dealing with Difficult People
- Parents
 - Provide information to parents and pupils regarding state and federal complaint procedures

Goal – Govern the CIF in a manner that is responsive to the needs of the constituents

The plan recommended:

- Establishment of a Statewide Policies Committee
- Development of a plan to facilitate increased participation in governance meetings
- Development of a plan to improve communication with constituents

As a result CIF created Advisory Committees (1993) focused on:

- Marketing & Management
- Basketball
- Cross Country/Track
- Volleyball
- Wrestling

Also, CIF created Advisory Committees

- Presidents Advisory
- Policy and Procedures
- Sportsmanship/Citizenship
- Coaching Education
- Officiating
- Health & Safety
- Equity Action
- Economic Viability
- Championships, Special Events
- Legislative Action
- Risk Management
- Basketball
- Cross Country/Track
- Volleyball
- Wrestling
- Golf

Specific actions taken:

- Asked CIF Sections to have representation that reflected the demography of the state
- Evaluations by participants of Federated Council meetings
- Regular meetings with Allied groups and added representation to the Federated Council
- CIF representation/displays at conferences and meetings
- Development of a CIF web page

Goal – Establish on-going communication with agencies, organizations and political entities whose functions and interests interface with CIF

Specific Actions Taken:

- CIF employed legislative advisor
- CIF Develops Handbook for School Board members
- CIF presents at CSBA's (school boards') annual conference
- Increased contact and working with the California Department of Education
- Increased coordination with other statewide education organizations
- State CIF Staff meeting regularly with key members of the Legislature
- Development of a CIF Handbook for legislators
- Provide information including CIF newsletter to Legislators

Goal – Achieve equity in high school athletics and CIF governance

Specific Actions Taken:

- Equity Committee developed to advise on policy
- CIF Handbook for Gender Equity distributed to all schools in 1999 and revised in 2003
- Developed Equity Complaint process and form for stakeholders
- CIF Representation on the California Legislatures Title IX Commission

State CIF staff now work with and have open lines of communication with the NOW, California NOW and the Women's Law Center

Goal – Promote the awareness and understanding of Health and Safety issues facing high school athletics

Specific Actions Taken:

- Health and Safety Committee comprised of 14 members, 12 who are practicing doctors and Certified Athletic Trainers
- Committee authored and developed 50+ bulletins on health issues. Copies distributed to every school in 1999 and updated and revised 2-3 times a year.
- Co-Sponsored Steroid Summit

Goal – Promote economic viability of high school athletics

Recommendations:

- Eliminate deficit spending by CIF
- Review marketing plans and work done by outside group
- Reduce dependence upon corporate sponsorship for operating budget
- Balanced State CIF Budgets
- Economic Viability Committee to advise state on issues/actions
- State CIF in-house marketing program
- Revised criteria for new events which would reaffirm CIF values and increase income

- Executive Committee authorized hiring of IEG as an outside expert to make recommendations to best serve the needs of the sections and statewide organization
- Federated Council passes revised statewide Marketing Plan in May 2004

Goal – Ensure the quality of officiating of high school athletic contests

Specific Actions Taken:

- Development of the officials accreditation program to ensure that associations are educating and training officials. 150+ associations
- Expansion of the Rules Interpreters rules/instructional programs with statewide meeting in seven sports for associations
- Using only accredited associations for both section and state playoffs

Attachment A**BROWN ACT****I. Background**

The Ralph M. Brown Act (hereinafter Brown Act), California Government Code section 54950, guarantees the public's right to attend and participate in open forum meetings of local legislative bodies because of the vital role such legislative bodies play in bringing participatory democracy to the citizens of the State of California. As such, local legislative bodies are generally required to hold meetings in open forum. However, the Brown Act also recognizes the need for these bodies to meet in private in order to carry out their responsibilities.

The purpose of this appendix is to provide both CIF officials, and those who participate in the forums of CIF legislative bodies, with a comprehensive summary of the Brown Act and its application to the CIF.

II. The Brown Act Applies to Formal CIF State, Section, and League Meetings

California Education Code section 33353(a)(2) provides that the CIF must implement the following policy:

Require that all league, section, and state meetings affiliated with California Interscholastic Federation be subject to the notice and hearing requirements of the Ralph M. Brown Act (Chapter 9 commencing with Section 54950 of Division 2 of the Title 5 of the Government Code).

The Brown Act mandates that all meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter (Govt. Code/54953). A legislative body is defined as the governing body of a local agency or any other local body created by state or federal statute or any commission, committee, board, or other body of a local agency, whether permanent or temporary, decision making or advisory, created by charter, ordinance, resolution, or formal action of a legislative body [Govt. Code 54952(a) and (b)]. In addition, the Brown Act defines a meeting as any congregation of a majority of the members of a legislative body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the legislative body or the local agency to which it pertains.

Accordingly, CIF State, Section, and League meetings, conducted and ruled upon by a majority of the members of their respective legislative bodies must be conducted in accordance with the Brown Act which requires such meetings to be open and public.

III. The Brown Act Does Not Apply to Advisory Committee or Public Meetings Attended by Members

Advisory committees that are comprised of less than a majority of the members of the legislative body are not subject to the Brown Act unless the advisory committee is a standing committee charged with continuing subject matter jurisdiction or whose meeting schedule is fixed by charter, ordinance, resolution, or formal action of the legislative body [Govt. Code/54952(b)]. Further, a majority of the members of a legislative body may attend community gatherings, public meetings, or purely social events without violating the provisions of the Brown Act, provided that such attendees do not discuss among themselves, other than as part of the scheduled program, business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency (Govt. Code/54952).

IV. The Brown Act Requires that the Meetings Agenda be Posted and Shall be Mailed Upon Request

The legislative body shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session, at least 72 hours before the meeting. The agenda shall specify the time and location of the meeting and shall be posted in a location that is freely accessible to members of the public. No action or discussion shall be undertaken on any item not appearing on the posted agenda but a member may direct staff to place a matter of business on a future agenda.

However, the legislative body may take action on items of business not appearing on the posted agenda under the following conditions: an emergency situation determined by a majority vote; a need to take immediate action determined by a two-thirds vote of the members present, or, if less than two-thirds of the members are present, by a unanimous vote; or that the item was continued to the meeting at which action is being taken (Govt. Code/54955.2). Regular and special meetings of the legislative body shall be held within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided for by this section (Govt. Code/54954). Every agenda shall provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body's consideration of the item, that is within the subject matter jurisdiction of the legislative body, provided that no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by subdivision (b) of Section 54954.2 (Govt. Code/54954.3). In addition, members of the public shall not be required to register, provide any information, or fulfill any condition precedent to their attendance at an open and public meeting. If any such information is requested, such a request shall clearly state that providing such information is voluntary, and that all persons may attend the meeting regardless of whether or not such information is provided (Govt. Code/54953.3).

The legislative body shall send a copy of the meetings agenda, not prior to the day of the meeting, to any person making a written request for a copy of the agenda provided that

the meeting is subject to the Brown Act. A fee for mailing the agenda may be charged but shall not exceed the cost of providing the service. The actions of the legislative body taken at the meeting for which the copy of the meetings agenda was requested will not be invalidated if the person requesting a copy fails to receive it (Govt. Code/54953.1).

V. The Brown Act Permits the Public to Tape Record Meetings that are Open and Public

Persons attending an open and public meeting of a legislative body may record the proceedings with an audio or video tape recorder unless the legislative body reasonably determines that the recording constitutes a persistent disruption of the proceedings. An audio or video tape record of an open and public meeting made by the local agency shall be subject to inspection pursuant to the California Public Records Act (Chapter 3.5 commencing with Seciton 6250 of Division 7 of Title 1), but may be erased or destroyed within 30 days of the recording. The legislative body shall also permit the broadcast of its open and public meetings unless the legislative body reasonably determines that the broadcast constitutes a persistent disruption of the proceedings (Govt. Code/54953.5).

VI. The Brown Act Permits Legislative Bodies to Meet in Closed Session

The legislative body may meet in closed session when reviewing matters involving the following:

License/Permit Determination (Govt. Code/54956.7); Conference with Real Property Negotiators (Govt. Code/54956.8); Conference with Legal Counsel - Existing and Anticipated Litigation [Govt. Code/54956.9 (a) and (b)]; Liability Claims (Govt. Code/54956.95); Threat to Public Services or Facilities and Public Employee Appointment, Evaluation and Discipline (Govt. Code/54957); Conference with Labor Negotiators (Govt. Code/54957.6); Case review/Planning (Govt. Code/54957.8); Report involving Trade Secret and Hearings (Health & Safety Code/1461, 32106, and 32155; Govt. Code 37606 and 37624.3); and a Charge or Complaint Involving Information Protected by Federal Law (Govt. Code/54956.86).

Action taken in closed session shall be publicly reported by the legislative body in accordance with the provisions of this section (Govt. Code/54957.1). The legislative body may designate a staff member to attend each closed session to keep and enter in a minute book a record of topics discussed and decisions made at the meeting. The minute book is not a public record subject to inspection pursuant to the California Public Records Act.

VII. The Brown Act Does Not Apply to CIF State and CIF Section Hearings and Appeals

The Family Educational Rights and Privacy Act (FERPA) restricts access to student educational records [20 U.S.C./1232(a)]. In addition, sections 49060-49079 of the California Education Code were enacted to manifest compliance with FERPA's statutory

requirements concerning the privacy of student records. Moreover, CIF State and CIF Section Hearings are not meetings as defined by Govt. Code/54952.2(a) because such hearings are not conducted or ruled upon by a majority of the members of a legislative body. Rather, such hearings are held and conducted by either a single hearing officer or a hearing panel which are randomly selected for each individual hearing. Therefore, the Brown Act does not apply to CIF State and CIF Section hearings because such hearings may involve the presentation of confidential student information and are not conducted in a manner subject to the Brown Act.

Attachment B**EQUITY COMPLAINT AND APPEAL PROCEDURE**

The following is a model for schools, leagues and Sections which describes a process for responding to a grievance filed by a student, employee, parent/guardian, or general public, alleging gender discrimination under the Title IX regulation. Districts are required to have a Title IX coordinator who should be utilized to resolve complaints at the local level.

COMPLAINT PROCEDURE FOR SCHOOLS AND DISTRICTS

Complaints related to sports equity should be resolved at the level closest to the school site. First, at the local school district, the person who has a concern should speak with district administrators or the local Title IX coordinator. The Title IX coordinator's role is to investigate local complaints of gender discrimination or refer it to the appropriate level (if the complaint is a league or Section problem, the appeal should be directed to that league or Section for initial resolution.) Districts are required to distribute or post the name, business address and telephone number of the Title IX coordinator. Investigations of athletic programs are frequently difficult, lengthy, and sometimes expensive primarily because of the considerable amounts of information that must be collected, analyzed and evaluated to determine compliance. The decision regarding compliance involves determining which benefits and services are provided to males and which are provided to females, whether there are any differences between benefits and services for males and females, whether these differences have a negative impact on athletes of one gender, and thus, may result in noncompliance.

1. DEFINITION AND INTERPRETATION

- A. Students, parents, district employees, and the general public may use this complaint procedure.
- B. Any claim by a student, parent, general public, or employee that there has been a violation or misinterpretation of Title IX shall be a gender equity complaint.
- C. The term "complainant" means any student, parent, from the general public, or employee filing a complaint.
- D. The term "days" means any calendar day, except Saturday, Sunday or legal holidays.
- E. The filing or service of any notice shall be timely if it bears a postmark of the U.S. mail, or a date stamp from the responsible agency, within the time period.
- F. The time limits provided in this complaint procedure shall be strictly observed, but may be extended by written mutual agreement between the complainant and the body investigating the complaint.

- G. In computing any period of time prescribed or allowed by procedures herein, the date of the act, event, or default for which the designated period of time begins to run shall not be included. The last day of the period as computed shall be counted, unless it is a Saturday, Sunday, or legal holiday, in which event, the period runs until the end of the next day, which is not a Saturday, Sunday, or legal holiday.
- H. The report of findings and proposed resolution at all levels, shall not conflict with state law and local policy governing employee discipline.
- I. The services of a fact finder are available to any level to which the appeal is directed, i.e., school, district, league, and Section. The CIF also encourages the use of a mediator and/or arbitrator to bring about resolution of problems.
- J. Jurisdiction means that:
 - 1. the complainant has filed a complaint within 360 days from the date of the alleged violation or from the date when the complainant knew or should have known of the violation.
 - 2. the level (district, league, Section, State) has the authority to resolve the complaint.

2. COMPLAINT PROCEDURE FOR LOCAL LEVELS

The sports-related gender equity complaint should be processed using the local School District's Uniform Complaint Procedures as adopted by the local governing board or similar process as adopted by a private school governing board. The School District Uniform Complaint Procedures should include all sports-related issues. If the complaint is a league or Section issue, the appeal should be directed to that league or Section for initial resolution. After completing all steps outlined in the district process if the complainant is not satisfied with the disposition of the complaint, the complainant may appeal as applicable to the California Department of Education, or use the procedures in Section 3 or 4 if the complaint has an effect or falls within the jurisdiction of the CIF.

NOTE: For private schools, the procedure may be an appeal to the Office For Civil Rights.

Examples of a possible local complaint may include, but are not limited to, discrepancies in the baseball vs. softball diamonds at a local school site or discrepancies between boys' and girls' locker rooms, etc.

It is noted that the Office For Civil Rights requires filing a complaint within six months of the knowledge of such a violation. Concurrent complaint filings with the Office For Civil Rights are at the discretion of the complainant.

3. COMPLAINTS TO CIF LEAGUES

The following is a model for CIF Leagues which provides a process for responding to a complaint not applicable or able to be resolved at the local school, district, or board of education levels, i.e. the matter falls within the jurisdiction of a league.

1. The complaint shall be filed with the State CIF office on a CIF form available from that office. A copy of the complaint shall be delivered to the Commissioner of that CIF Section in which the league is located. Copies shall also be forwarded to all other agencies or persons named in the complaint.
2. The CIF Section shall review the complaint for initial jurisdiction **within 10 days** and shall inform the complainant in writing as to whether or not the league/Section has jurisdiction. A copy of the Section decision on jurisdictional review shall be forwarded to the State CIF office.
3. If the league has jurisdiction, the league shall present a written report of findings and proposed resolutions, if applicable, on the complaint **within a 60-day period** from receipt of the complaint. Copies of the findings shall also be forwarded to the CIF Section and to all other agencies or persons named in the complaint. The CIF Section shall forward the league findings to the State CIF.

Examples of a possible league complaint may include, but are not limited to, discrepancies between genders in the number or quality of league awards or discrepancies in equal opportunity in the number or levels of sports.

4. APPEALS TO THE CIF SECTION

A complaint from the league level may be appealed to the CIF Section.

- A. The CIF Section shall review the complaint for initial jurisdiction and shall inform the complainant as to whether or not the Section/State has initial jurisdiction.
- B. If the complainant is not satisfied with a league decision, the complaint may be appealed to the Section **within 30 days** of the league's written decision being sent to the complainant.
- C. If a complaint is appealed to the CIF Section, the Section shall notify the State CIF. The Section may request that the State CIF provide a fact finder/investigator who shall be responsible for making findings of facts and proposed resolution to the Section.

- D. The Section shall present a written report of findings on the grievance **within 60 days** from receipt of said complaint. The fact finder may also assist the parties in reaching a resolution through mediation.

Examples of a possible Section complaint may include but not limited to, a discrepancy between genders involving Section season of sport, awards, tournament facilities and/or locations, etc.

5. STATE CIF APPEAL PROCESS

- A. If the complainant is not satisfied with the decision of the Section, the complainant may appeal to the State CIF **within 30 days** of the Section's decision being sent to the complainant. If the State CIF receives the appeal, the CIF shall refer the matter to a neutral mediator and/or proceed directly to a final, neutral hearing panel, which will render a decision **within 60 days**.
- B. A complaint about a decision, not related to an appeal regarding a decision of a Section under this complaint and appeal procedure, but related to a decision or practice of the Executive Director, the State staff, or directly related to any regional or State championship event, must be filed with the State Executive Director and/or the President of the Federated Council within 30 days following the decision or event. The Executive Director shall reply within 30 days of reception of the complaint. If the complainant is not satisfied with the reply, the complainant may appeal to the CIF Federated Council President within 30 days of the receipt of the reply. The CIF Federated Council President shall refer the matter to a neutral mediator, to a final neutral hearing panel or employ the procedure within Article 3, Section 34, J. A final decision will be rendered in 60 days.

(Approved February 2001 Federated Council)

6. RIGHT TO PARTICIPATE

- A. No reprisal of any kind will be taken by the Board, an administrator, or any employee of any District or CIF against any person bringing a complaint under this procedure.
- B. Exhaustion of these procedures is NOT a prerequisite to filing of complaints with the office of Civil Rights. The grievant may at any time during or concurrently with this procedure, file a complaint with the Office For Civil Rights or with the California Department of Education.

It is noted that the Office For Civil Rights requires filing a complaint within six months of the knowledge of such a violation. Concurrent complaint filings with Office For Civil Rights are at the discretion of the complainant.

ALL LEVELS (SCHOOLS, LEAGUES, AND SECTIONS) MUST DEVELOP PROCEDURES WHICH ENSURE THAT ALL INVOLVED PARTIES, INCLUDING THE COMPLAINANT, HAVE THE OPPORTUNITY TO PROVIDE EVIDENCE, TESTIMONY, AND INFORMATION, AS NEEDED. PROCEDURES SHOULD ALSO INCLUDE PROVISIONS FOR WRITTEN NOTICE OF HEARINGS AND OF THE FORMAT IN WHICH ANY HEARING WILL BE HELD.

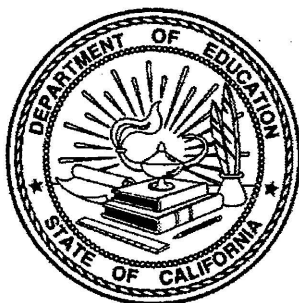
**CPEC:
Title IX Athletics Compliance at
California's Public High Schools,
Community Colleges, and
Universities**

Title IX Athletics Compliance at California's Public High Schools, Community Colleges, and Universities

*A Report Prepared for the
California Postsecondary Education Commission
and the California Department of Education*

by RMC Research Corporation

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**California Department of Education
California Postsecondary Education Commission**

**Title IX Athletics Compliance at California's Public High Schools,
Community Colleges, and Universities**

Report to the Governor and the Legislature

Introduction

Title IX of the Education Amendments of 1972 is a federal law that prohibits sex discrimination in all educational institutions, including K-12 and higher education, that receive federal funding. The key provision of Title IX states:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.

Title IX applies to all aspects of education, but is especially well known for opening the door to greater athletic opportunities for female students.

With regard to athletics, Title IX generally requires educational institutions and programs to do the following:

- Offer male and female students equal opportunities to participate in athletics, including interscholastic, intercollegiate, intramural and club sports;
- Treat male and female athletes fairly; and
- Give male and female athletes their fair share of athletic scholarship money and other resources.

Prior to the passage of Title IX, female students had only limited athletic opportunities open to them in high school and college, and represented only a very small proportion of school athletes. Since the passage of Title IX, the athletic participation rate of female students has increased greatly at both the secondary and postsecondary levels. However, while significant progress has been made, the 1999-2000 National Collegiate Athletic Association (NCAA) Gender-Equity Report indicates that more than 80 percent of postsecondary schools have not yet achieved full compliance with the provisions of Title IX. On-site reviews in California high schools over the past ten years have also indicated some continuing compliance problems at the secondary level.

Assembly Bill (AB) 2295 (Chapter 1060, Statutes of 2002) was an expression of interest in gaining more information about the degree to which obstacles continue to face female students in high school and postsecondary athletics in California. That legislation required that a survey be conducted regarding Title IX compliance in athletics in

California's public high schools, community colleges, and universities. It also called for recommendations to improve compliance.

As a result of the enactment of AB 2295, the California Postsecondary Education Commission (CPEC) and the California Department of Education (CDE) began a joint effort to secure a contractor to conduct the mandated study. CPEC issued a Request for Proposals and, following a selection process, contracted with RMC Research Corporation of Portland, Oregon. That firm brought expertise in Title IX and a long history of conducting research of this type to their assignment. Dr. Bonnie Faddis led the study, supported by Dr. Margaret Beam and Dr. Patricia Ruzicka. Work on the contract began in the spring of 2003.

The project required RMC to conduct research and prepare a written report with recommendations that addressed the participation of males and females in interscholastic and intercollegiate athletics in California, and that further identified areas in which participation, and the administrative support for participation, differentially affects male and female students. The report was designed to develop findings for each of the following:

- (1) Public schools that include Grades 7 and 8 (subsequently dropped due to budget constraints)
- (2) Public schools that include Grades 9-12
- (3) The campuses of the University of California
- (4) The campuses of the California State University
- (5) The campuses of the California Community Colleges

The report was required to address, but not be limited to, the following topics:

- (1) Participation in interscholastic, intercollegiate, intramural, and club athletic opportunities
- (2) Distribution of benefits and services, including, but not limited to, the following:
 - (a) Overall support of athletics programs
 - (b) Equipment and supplies
 - (c) Scheduling of games and practice teams
 - (d) Travel and related expenses
 - (e) Availability of coaches and their compensation
 - (f) Locker rooms, practice, and competitive facilities
 - (g) Medical and training services
 - (h) Publicity and marketing
 - (i) Recruitment (Particularly for higher education programs)

- (j) Availability of tutors and their compensation (particularly for higher education programs)
 - (k) Housing and dining facilities and services (particularly for higher education programs)
 - (l) The distribution of financial support for all of the above, including booster group contributions
- (3) Distribution of athletic scholarship money
 - (4) The impact of Title IX on participation in athletics by women of color
 - (5) The academic and graduation success of students by gender and level of athletic competition
 - (6) Athletic teams added or disbanded as a result of institutional effort to comply with Title IX
 - (7) The nature and extent of training that is provided to athletic administrators, coaches, and other staff regarding the requirements of Title IX and strategies to eliminate sex discrimination in athletic programs.
 - (8) Any related topic that contributes to an assessment of the level of compliance with Title IX as it relates to athletics in the identified California educational institutions, or to recommendations for increasing gender equity in athletics.

In addition to providing data supporting its findings relative to each item addressed above, the contractor was also directed to provide proposed recommendations for legislative or administrative action consistent with the findings in the report. To the extent data were not available relative to any of the above topics, the contractor was required to identify the lack of data and provide proposed recommendations thereto.

The project got underway in late spring 2003 with the contractor meeting with both CPEC and CDE staff. Shortly thereafter, an Advisory Committee representing all key institutional and community stakeholders was convened to assist in planning the survey and developing the survey instruments. The actual surveys were sent out to a random sample of California high schools and to all of the community colleges and to all campuses of the University of California and the California State University in late summer. In the fall of 2003, survey results were collected and the contractors conducted site visits at a sample of institutions at each level. Data analysis and report preparation ensued, and the final report was submitted on February 27, 2004. It was discussed by the California Postsecondary Education Commission at its March 10 meeting and adopted at a meeting on March 30. It was also transmitted to California State Superintendent of Public Instruction Jack O'Connell, who has reviewed and accepted the report and recommendations.

The report's Executive Summary gives an overview of the major findings and recommendations, and the report itself includes more extensive discussion of all the findings, as well as the data that supports them. The study found that California public educational institutions vary in the degree to which they comply with Title IX as regards

athletics participation and coaching parity. [NOTE: The findings reflect statistically significant results of data representing secondary and postsecondary institutions in California; they do not indicate whether an individual institution is or is not in compliance with the law.]

Based on the findings, the report makes a number of recommendations that may be generally categorized as follows:

- Better data collection;
- Increased technical assistance to districts and schools;
- Improved training for school administrators, athletic directors and coaches; and
- Additional research regarding specific areas of compliance, particularly coaching.

The report does not address how such recommendations shall be carried out, leaving those decisions to the State Legislature and responsible agencies.

The report is consistent with national data showing that considerable progress has been made to assure equity in public school athletics since Title IX was enacted. However, it also shows that some of California's high schools, community colleges, and universities still have significant inequities to address. The report's recommendations are reflective of those made by Title IX and other gender equity experts at the state and national levels. The California Postsecondary Education Commission and the California Department of Education are strongly committed to improving Title IX compliance in public school athletics in California and hope that this report contributes meaningfully toward that goal.

CONCLUSION AND RECOMMENDATION

The findings of the 2003 study of Title IX compliance in athletics programs in California's public high schools, community colleges, and universities indicate that significant compliance issues remain at some institutions. This study helps identify and categorize these compliance issues and offers strategies that could address them.

The agencies responsible for the report—the California Postsecondary Education Commission and the California Department of Education, headed by State Superintendent of Public Instruction Jack O'Connell—do not have a specific basis to dispute any of the report's findings, although the agencies agree that a larger sample of public high schools would have strengthened confidence in the findings. As to the report's recommendations, the agencies agree with the intent of promoting Title IX compliance. However, the agencies caution against (1) placing new burdens on institutions that are already in compliance and (2) redirecting limited resources from the actual delivery of athletic programs to the support of administrative activities. With those cautions, the agencies encourage the California Legislature to consider the report and take action as appropriate.

Executive Summary

Title IX of the Education Amendments was enacted in 1972 to reverse a history of sex discrimination in educational programs and institutions receiving federal funds. A 2002 report by the National Coalition for Women and Girls in Education indicated that educational institutions had made progress over the past 30 years in creating more equitable opportunities for males and females, but that athletic programs still fell short of being equitable. Although some data pertaining to athletic programs are available nationally at the university and community college levels, very little data are available at the K–12 level, and to date, no systematic study of Title IX in athletics has been conducted in California. Thus the purpose of the present study was to evaluate interscholastic and intercollegiate athletics programs in the state of California with regard to compliance with Title IX, as set forth in AB 2295.

The study included an analysis of student participation and opportunities in public high school and postsecondary programs; the treatment of students and coaches involved in athletic programs; the allocation of financial resources and scholarship money; and the distribution of program benefits and services. Also analyzed were factors such as academic success, training for coaches and administrators, and program trends related to adding or deleting teams or opportunities. The data collection included written surveys sent to public high schools, community colleges, and universities in fall 2003; Equity in Athletics Disclosure Act (EADA) reports from community colleges and universities; site visits to a sample of six high schools, three community colleges, three California State University (CSU) campuses, and three University of California (UC) campuses; and enrollment data from the California Department of Education (CDE) and the California Postsecondary Education Commission (CPEC) websites. All data were for the 2002–2003 academic year.

Study Findings

Data from this study revealed that schools at all levels experienced some areas of noncompliance with Title IX but were doing well in terms of achieving gender equity in other areas. Two common problem areas across high school, community college, and university athletics programs were participation and coaching. Specific findings and recommendations related to the key issues for high schools, community colleges, and universities are provided below.

High Schools

The study found that the majority of high schools did not have proportional rates of participation for boys and girls. In fact, of the 125 high schools that returned surveys, only 26% were in compliance with Title IX based on proportionality—that is, had participation rates that were within five percentage points of the enrollment rates for

each gender. In addition to having greater numbers of male participants, high schools on average had a greater number of varsity teams for boys than for girls.

Although proportionality (Prong 1) is the most common method for schools to achieve Title IX compliance in athletics participation, schools also can achieve compliance by expanding opportunities for the underrepresented sex (Prong 2) or by reviewing on-campus club and intramural sports, reviewing feeder school sports, and conducting an interest survey of enrolled students to determine if there is unmet interest in an interscholastic or intercollegiate team (Prong 3). Eighty-five percent of responding high schools reported using one of these three prongs to achieve compliance (65%, 15%, and 5% for Prongs 1, 2, and 3, respectively). Fifteen percent had not reviewed their athletic participation in the last five years.

Although it is not possible to determine from the survey data whether the 20% of high schools using Prongs 2 and 3 are in compliance, it is clear from the data that only 26% of high schools are in compliance using Prong 1 (not 65% as reported). Thus, at most only 46% of high schools are in compliance with Title IX in athletics participation.

Survey data also revealed that fewer than 25% of the high school survey respondents reported that coaches or administrators had received Title IX training in the previous three years and that only 31% of schools had conducted a student interest survey in the previous three years. These findings, in combination with the fact that more than half of all responding high schools were out of compliance with Title IX in athletics participation, underscore the need for training and technical assistance to assist high schools in creating gender equitable athletic programs.

Disproportional participation by gender was the greatest disparity at the high school level. Survey data also indicated that coaching was not comparable across boys' and girls' teams. Specifically, boys' teams had more coaches than similar girls' teams, and boys' teams had more experienced coaches than girls' teams.

The study findings lead to the following recommendations to assist high school athletic programs in achieving Title IX compliance:

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- **Recommendation:** The California Legislature should provide resources for professional development to school districts in meeting the athletics participation requirements of Title IX. (CDE and the California Interscholastic Federation are two agencies currently equipped to provide this training.)
 - **Recommendation:** The California Legislature should require that public high schools report athletics data annually (a) to ensure an efficient process for monitoring Title IX compliance and analyzing schools' progress at the state level and (b) to increase districts' and schools' awareness of issues and guide administrators in making improvements.

- **Recommendation:** The California Legislature should request that school districts receive training for administrators and athletic directors in strategies for ensuring that boys' and girls' teams have comparable coaches.
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Community Colleges

Overall, the study findings revealed that community colleges' greatest gender disparity in athletics was in the area of participation. In fact, only 8% of the 91 responding community colleges were in compliance with Title IX based on proportionality—that is, had participation rates that were within five percentage points of the enrollment rates for each gender—and 84% were considerably outside the range of acceptability. The majority (55%) of community colleges reported using Prong 2—expanding opportunities for the underrepresented sex—to achieve Title IX participation compliance. Yet despite efforts to create greater gender equity, fewer than half of the community college respondents indicated that administrators or head coaches had attended equity training in the past three years, and only 29% reported assessing student interest through a survey within the previous three years.

One other area of concern was coaching. Data from 69 community colleges showed that the number of community colleges with full-time men's team head coaches was disproportionately greater than the number with full-time women's team head coaches for the four most common men's and women's sports. Athletic directors reported a total of 243 women's team head coaches (45% of whom were full time) and 233 men's team head coaches (63% of whom were full time). EADA data showed that men's teams at community colleges have on average more coaches and more FTE than women's teams. Finally, the average number of years of head coach experience was substantially greater for men's teams than women's teams regardless of whether the head coach was full time or part time, and the men's team head coaches' greater level of experience corresponded with higher salaries.

The study findings lead to the following recommendations to assist community college athletic programs in achieving Title IX compliance:

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- **Recommendation:** The California Legislature should request that the Chancellor's Office of the California Community Colleges provide technical assistance to individual community colleges that are not achieving gender equity in athletics participation. The Chancellor's Office should coordinate this activity with the Commission on Athletics. Technical assistance should involve assisting community colleges to develop a long-range plan for their athletics program that takes into consideration financial and facility resources and student populations. The California Legislature should provide resources to implement this recommendation.

- **Recommendation:** The California Legislature should require that all community colleges collect student interest data and report those data to the Commission on Athletics at least every three years. Community colleges should use student interest survey data to assist in their short- and long-range planning, and technical assistance providers should use those data to guide community colleges and to inform decisions regarding community college athletics programs statewide.
 - **Recommendation:** The California Legislature should request that the Chancellor's Office of the California Community Colleges provide annual equity training to coaches and administrative staff at community colleges and encourage the dissemination of information to ensure that all staff and students are cognizant of current Title IX issues. The Chancellor's Office should coordinate this activity with the Commission on Athletics. The California Legislature should provide resources to implement this recommendation.
 - **Recommendation:** The California Legislature should request that the Chancellor's Office of the California Community Colleges conduct an in-depth study of hiring practices for coaches. Such a study should explore the reasons that fewer full-time head coach positions exist for women's teams relative to men's teams and the reasons that the coaches of women's teams have less experience than the coaches of men's teams. The study should also explore alternative hiring approaches that might facilitate more equitable coaching for women's teams. The California Legislature should provide resources to implement this recommendation.
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Universities

The study found that universities were further advanced than high schools and community colleges in terms of achieving equitable rates of student participation by gender (57% of universities were within currently acceptable margins of representation of enrolled students participating in athletics by gender). In contrast to the 57% of responding universities that actually were within the range of acceptability, 89% of respondents indicated that their university was in compliance with Title IX participation requirements as measured by proportionality (Prong 1). Only 11% of the universities reported using Prong 2 (expanding programs for the underrepresented gender) as their standard for Title IX compliance, and none reported using Prong 3. The study's data on university athlete participation therefore do not support athletic directors' perceptions of participation, and suggest a need for closer monitoring of data and additional training and technical assistance to ensure that participation meets the three-prong test.

The second area of gender equity concern is the higher compensation for coaches of men's teams compared to women's teams. If salary differences reflect lower levels of experience and other qualifications, then women's teams are at a disadvantage.

The third area of gender inequity at the university level involved operating and recruiting expenditures. Data from the 28 responding universities showed that overall, total operating expenses were higher for men's teams—this difference was true for total and per athlete expenditures. In addition, men's teams spent more on recruiting (in terms of both total and per athlete expenditures) than did women's teams.

- **Recommendation:** The California Legislature should support state-level monitoring of Title IX compliance in university athletic programs through the universities' respective systemwide offices. The California Legislature should provide resources to implement this recommendation.
 - **Recommendation:** The California Legislature should request that the University of California Office of the President and the Chancellor's Office of the California State University strengthen training and seek any technical assistance necessary to ensure their respective campuses know how to meet the participation requirements of Title IX using each part of the three-prong test.
 - **Recommendation:** The California Legislature should request that the University of California Office of the President and the Chancellor's Office of the California State University ensure that annual equity training is provided to coaches and athletic administrators at their respective campuses. The training should include Title IX requirements, sexual harassment, and other nondiscrimination issues. The California Legislature should provide resources to implement this recommendation.
 - **Recommendation:** The California Legislature should request that the University of California Office of the President and the Chancellor's Office of the California State University institute stronger policy directives and monitoring systems to ensure that female and male students receive comparable coaching. In addition, further study of university coaching should be conducted to determine if compensation is related to quality of coaching.
 - **Recommendation:** The California Legislature should institute stronger policy directives and monitoring systems to ensure that universities are meeting the federal requirements of Title IX, especially in the areas of operating and recruiting expenses.
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